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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION AGENDA
Thursday, March 5, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, March 5, 2015**, beginning at **1:30 PM** in the Planning Department Conference Room City Hall - 10th Floor, 455 N. Main Street, Wichita, Kansas. **If you have any questions regarding the meeting or items on this agenda, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at 316.268.4421.**

1. Approval of the prior MAPC meeting minutes:

Meeting Date: January 22 and February 5, 2015

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

Items may be taken in one motion unless there are questions or comments.

- 2-1. **SUB2015-00001: One-Step Final Plat – QUIKTRIP 19TH ADDITION**, located on the southeast corner of 13th Street North and West Street.

*Committee Action: **APPROVED 4-0***
*Surveyor: **MKEC Engineering, Inc.***
*Acreage: **1.69***
*Total Lots: **1***

3. **PUBLIC HEARING – VACATION ITEMS**

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

Items may be taken in one motion unless there are questions or comments.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department – 10th Floor, City Hall, 455 N. Main Street, Wichita, Kansas

- 3-1. **VAC2015-00002: City request to vacate a plat**, generally located mid-mile between 119th and 135th Streets West on the south side of Pawnee Avenue.

*Committee Action: **APPROVED 4-0***

- 3-2. **VAC2015-00003: City request to vacate platted utility easements on property**, generally located northwest of West Street and K-42 Highway, on the south side of West Street Court.

*Committee Action: **APPROVED 4-0***

PUBLIC HEARINGS

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

4. Case No.: CON2015-00001 (Deferred from 2-19-15)
Request: County Conditional Use request for a temporary accessory apartment on property zoned RR Rural Residential.
General Location: South and east of the intersection of 111th Street and south 143rd Street East (11240 S. 143rd St., E.)
Presenting Planner: Derrick Slocum
5. Case No.: CON2015-00005 - **DEFERRED TO 4-16-15 MAPC HEARING**
Request: City Conditional Use request for a wireless communication facility with a 100-foot monopole on LC Limited Commercial zoned property.

General Location: West of Seneca Street on the north side of 47th Street South.

Presenting Planner: Bill Longnecker

6. Case No.: DER2015-00002

Request: Amendments to the Wichita-Sedgwick County Unified Zoning Code,
Section III-C.3., U, University District.

General Location: Wichita State University.

Presenting Planner: Scott Knebel

NON-PUBLIC HEARING ITEMS

7. Other Matters/Adjournment

John L. Schlegel, Secretary

Wichita-Sedgwick County Metropolitan Area Planning Commission

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

Minutes

January 22, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, January 22, 2015 at 1:30 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Matt Goolsby, Chair; David Dennis; David Foster; Joe Johnson; M.S. Mitchell; Bill Ramsey; Lowell E. Richardson; Debra Miller Stevens and Chuck Warren. Bill Johnson, Don Klausmeyer; John McKay Jr.; Carol Neugent and Don Sherman were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Brian McLeod, Deputy City Attorney, Robert Parnacott, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. Approval of the December 4, 2014 MAPC meeting minutes.

MOTION: To approve the December 4, 2014 meeting minutes.

J. JOHNSON moved, **WARREN** seconded the motion, and it carried (4-0-5).

DENNIS, FOSTER, GOOLSBY, MILLER STEVENS and **MITCHELL** - Abstained.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

- 2-1. **SUB2014-00041: Final Plat – HEDGE ACRES ADDITION**, located on the North side of US 54 Highway, on the west side of 231st Street West.

NOTE: This site is located in the County in an area designated as “rural” by the Wichita-Sedgwick County Comprehensive Plan. It is located in the Goddard Area of Influence.

STAFF COMMENTS:

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact Metropolitan Area Building and Construction Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval. The applicant proposes sewage lagoons which require 4.5 net acres per lot per the Subdivision Regulations, however the Zoning Code permits a 25% reduction in lot area (to 3.38 acres) due to street dedications. The net area of each lot conforms to Codes after reduction of lot area due to the proposed U.S. 54 Highway dedication.
- B. In conformance with the Urban Fringe Development Standards, for individual domestic wells that are proposed, a Safe Yield Analysis must be provided to Sedgwick Metropolitan Area Building and Construction Department to assure the availability of an adequate, safe supply of water that does not impair existing water rights. Easements shall be dedicated for potential future extension of public water and sewer.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.

- D. County Public Works has approved the drainage plan. If more than one acre is disturbed a stormwater permit and a Notice of Intent from the state is needed.
- E. The plat denotes one opening along 231st Street West and one joint opening along U.S. 54 Highway. The plat's text states: "The opening along 231st Street West shall remain in effect until such time as the north right-of-way line of the proposed access road lying north of and abutting relocated U.S. Highway 54 is established and said access road is constructed. At such time the access opening to 231st Street West shall be closed and one access opening shall be granted across the north right-of-way line of said proposed access road for the benefit of that part of Lot 1, Block A lying north of and abutting the north right-of-way line of said proposed access road. Any existing drive to 231st Street West will need to be relocated to align with the granted access opening to the frontage road. Sedgwick County shall not be responsible for any costs associated with the relocation of said drive. Any modification to the existing access points on US-54 would be subject to KDOT Access Management Policy and would require a permit." County Public Works has approved the openings and requested the plat's text be revised to state: "Property owner shall be responsible for any costs associated with the relocation of said drive."
- F. KDOT has advised that US-54 Highway is planned to go over 231st Street at this intersection with no interchange. The right-of-way needs on 231st Street would be per the County's standard. The future right-of-way shown on the plat for the re-located US-54 Highway and associated frontage road shown on the plat should be adequate if it was obtained from the plans produced by PEC for the upgrade of US-54 to freeway. The plat's text includes the language: "Any modification to the existing access points on US-54 would be subject to KDOT Access Management Policy and would require a permit."
- G. The joint access easement shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.
- H. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- I. The applicant is advised that due to encroachment of a portion of the proposed U.S. 54 Highway on this plat, the property is subject to meeting the requirements of the Corridor Preservation Plan Overlay District (CP-O) prior to the issuance of any building permits.
- J. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- K. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- L. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- M. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants

required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

- N. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- O. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- P. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Q. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- T. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

DENNIS moved, **RAMSEY** seconded the motion, and it carried (9-0).

2-2. **SUB2014-00044: One-Step Final Plat – GREIFFENSTEIN SQUARE NO. 2 ADDITION,** located on the south side of 21st Street North, west of 119th Street West.

NOTE: This is a replat of the Greiffenstein Square No. 2 Addition plus unplatted property to the south. The south portion of this site is located in the County adjoining Wichita's municipal boundaries and annexation is required. The site is currently zoned SF-20 Single-family Residential and GO General

Office. The residential portion of the property will be converted to SF-5 Single-family Residential upon annexation.

STAFF COMMENTS:

- A. As a portion of this site is adjacent to Wichita's municipal boundaries, the applicant shall submit a request for annexation. Upon annexation, the residential portion of the property will be zoned SF-5 Single-family Residential. The final plat shall not be scheduled for City Council review until annexation has occurred.
- B. City of Wichita Public Works and Utilities Department advises that sanitary sewer and water services are available. Water in-lieu-of-assessment fees (transmission) are due. Sanitary sewer in-lieu-of-assessment fees (mains) are due.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. City Stormwater Management has approved the drainage plan. The applicant will need to submit the necessary information to FEMA regarding allowing site-work within the floodplain and floodway, prior to obtaining a building permit.
- E. County Public Works/Traffic Engineering has approved the access controls. The plat proposes two openings along 21st Street North. City Traffic Engineer advises the applicant that "Do Not Enter" R5-1 signs are needed on both sides of the entrance adjacent to the parking lot (so motorists don't go north at the entrance) and two "Do Not Enter" R5-1 signs (where the "exit only" sign is) at the east opening, one on each side. Both of the stalls on the west of the canopy are accessible stalls (both have ADA signs), but only one has the wheelchair striping (ISA) on the stall itself. The east drive needs to be striped with turn arrows and the striping shall be maintained. The number of drop-offs and pick-ups here is high and, without good flow, motorists are stopping on West 21st Street North.
- F. The standard language in the surveyor's certificate regarding vacation statutes should reference "K.S.A. 12-512b, as amended". "Minimum pad elevation" needs to be added and "Streets" removed.
- G. Provisions shall be made for ownership and maintenance of the proposed reserves. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities.
- H. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- I. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations. The Subdivision Regulations state that the maximum depth of all non-residential lots shall not exceed three times the width. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with

the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.

- J. County Surveying advises the legal description should have Tract 1 and Tract 2. The first tract being the platted parcel, Tract 2 being the metes and bounds parcel (the tract not purchased and closed on yet). The entire parcel can be the "being more particularly described as" the legal description shown. The portion of the parcel being deeded from Dopps should have a separate legal description (the legal that will show up in the deed and title work).
- K. County Surveying advises the sanitary sewer easement dedication needs located north- south. A dimension should be added along the east line of the plat to locate said easement. County Surveying has questions regarding the dimension and labelling of the water line easement which was replaced with a utility easement.
- L. The applicant is advised that the site must comply with all requirements of the Wichita Landscape Code.
- M. County Surveying advises that minimum building pad needs referenced in the plat's text and may state "as noted on the face of the plat".
- N. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- O. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- P. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Q. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- R. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- S. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- T. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge

Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

U. Perimeter closure computations shall be submitted with the final plat tracing.

V. Any relocation or removal of any existing equipment made necessary by this plat will be at the applicant's expense. Marsha Jesse, from Westar Energy, has been in contact with agent for the applicant for this plat. She is the Construction Services Representative for the southwest area and can be contacted at (316) 261-6859.

W. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

DENNIS moved, RAMSEY seconded the motion, and it carried (9-0).

PUBLIC HEARING – VACATION ITEMS

- 3-1. **VAC2014-00050: City request to vacate a platted reserve and amend the plat's text to allow additional uses in the reserve on property,** generally located on the south side of 37th Street North and west of I-135.

OWNER/AGENT: Central Christian Church, c/o Paul Dohm (owner/applicant), Ruggles & Bohm PA, c/o Will Clevenger (agent)

LEGAL DESCRIPTION: Generally described as vacating the uses permitted in Reserve A, His Helping Hands Addition, thus amending the plat's text, Wichita, Sedgwick County, Kansas

LOCATION: Generally located on the south side of 37th Street North and west of I-135 (WCC #VI)

REASON FOR REQUEST: Allow the uses permitted in the LI Limited Industrial zoning district

CURRENT ZONING: The site and all abutting and adjacent properties are zoned LI Limited Industrial.

The applicant is requesting that the uses permitted in the platted Reserve A, His Helping Hands Addition be vacated and amended to allow the uses permitted by right in site's LI Limited Industrial zoning district. The plat's text states that Reserve A is restricted to flood protection and drainage purposes.

It further states covenants prohibit human habitat or other construction, or obstructions and that no levees, fill, grade change, creation of channels or work shall be done except with the approval of the City or County Engineer. The owner of the reserve is responsible for it, until such time that the governing body elects to assume the responsibility and maintenance of the subject reserve. There is a platted 30-foot wide drainage easement located in and along the length of the reserve's east line. There is a platted 20-foot wide utility easement located in and along the length of the reserve's west line.

There does not appear to be any public or franchised utilities located in these platted easements or elsewhere in the reserve. His Helping Hands Addition was recorded with the Register of Deeds January 5, 2005.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the plattor's to amend the uses allowed in the described platted reserve.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
 1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time January 1, 2015, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the plattor's to amend the uses allowed in the described platted reserve and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the plattors text, amending it by allowing the uses permitted by right in the LI zoning district in Reserve A, His Helping Hands Addition.
- (2) Provide a covenant, with original signatures, stating that "No building permit, no grading, fill work, levees, creation of channels or work shall be granted for Reserve A and Lot 2, His Helping Hands, Addition, until such time that a Drainage Easement is approved by the City of Wichita's Stormwater Engineer and subsequently recorded with the Register of Deeds." This covenant will go with the Vacation Order to the City Council and subsequently to the Register of Deeds for recording. The covenant will also note that vacation request VAC2014-00050 amended the plattors' text to allow the uses allowed in Reserve A, His Helping Hands Addition to be those permitted by right in the LI Limited Industrial zoning district upon approval of a Drainage Easement by the City of Wichita's Stormwater Engineer and the subsequent recording of approved Drainage Easement.

- (3) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the plat text, amending it by allowing the uses permitted by right in the LI zoning district in Reserve A, His Helping Hands Addition.
- (2) Provide a covenant, with original signatures, stating that "No building permit, no grading, fill work, levees, creation of channels or work shall be granted for Reserve A and Lot 2, His Helping Hands, Addition, until such time that a Drainage Easement is approved by the City of Wichita's Stormwater Engineer and subsequently recorded with the Register of Deeds." This covenant will go with the Vacation Order to the City Council and subsequently to the Register of Deeds for recording. The covenant will also note that vacation request VAC2014-00050 amended the plat text to allow the uses allowed in Reserve A, His Helping Hands Addition to be those permitted by right in the LI Limited Industrial zoning district upon approval of a Drainage Easement by the City of Wichita's Stormwater Engineer and the subsequent recording of approved Drainage Easement.
- (3) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

RAMSEY moved, **WARREN** seconded the motion, and it carried (9-0).

- 3-2. **VAC2014-00051: City request to vacate that portion of Santa Fe right-of-way,**
located north of Douglas Avenue and south of a platted east to west alley.

APPLICANT/AGENT: Kindel Investments LLC, c/o John R Kindel (applicant), KE Miller Engineering, PA, c/o Kirk Miller (agent)

LEGAL DESCRIPTION: Generally described as vacating the west 24.7 feet of the Santa Fe street right-of-way abutting Lots 2, 4, 6, 8, and 10, JR Mead's Addition (plus an additional 5.3 feet on the east sides of said lots), on its west side, BNSF Railroad easement on its east side, Douglas Avenue on its south side, and endings at its intersection with a platted east-west alley on its north side, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located north of Douglas Avenue and west of the BNSF Railroad easement (WCC VI)

REASON FOR REQUEST: Parking and patio for west abutting building

CURRENT ZONING: The subject site is platted street right-of-way. Abutting west and adjacent northwest and southwest properties are zoned CBD Central Business District. Abutting east railroad easement is zoned LI Limited Industrial

The applicant is requesting the vacation of the west 24.7 feet of the Santa Fe Avenue street right-of-way abutting Lots 2, 4, 6, 8, and 10, JR Meads Addition (plus an additional 5.3 feet on the east sides of said lots), on its west side, the BNSF Railroad easement on its east side, Douglas Avenue on its south side, and endings at its intersection with a platted 35-foot wide east- west alley on its north side. This west portion of Santa Fe right-of-way appears to be approximately 35 feet wide and is a sand and gravel road with a full curb where it abuts the BNSF Railroad easement on its east side. A raised railroad track is located in the BNSF Railroad easement. This portion of Santa Fe Avenue dead-ends on its south side before its intersection with Douglas Avenue. This portion of Douglas Avenue goes underneath the raised railroad track, which required it to be lower than Santa Fe Avenue, with a structural wall (part of the Douglas – raised railroad track overpass) blocking Santa Fe Avenue from intersecting Douglas Avenue along its east half. The west half of Santa Fe is blocked off form Douglas Avenue by a decorative wrought iron fence. There is an opening in the west most portion of the decorative wrought iron fence for walking access to Douglas Avenue, via a partially covered (with sand and gravel) sidewalk abutting the east sides of the subject/applicant's lots.

The 'Project Downtown Master Plan for Wichita' calls for this portion of Santa Fe to be a walking connection between Downtown and Central Avenue. Planning is requesting a temporary public access easement to continue to allow the walking connection between Downtown and Central Avenue. The easement could become permanent, if no other walking access can be provided from this portion of Santa Fe to Douglas Avenue; a determining factor will be if any modifications can be made to the noted wall that would allow access through the east side of Santa Fe Avenue to Douglas Avenue.

There are power poles, utility meters, and a utility box located in the north end of this portion of Santa Fe abutting and adjacent to the east sides of the subject/applicant's lots. Westar has equipment in Santa Fe that serve the Intrust Arena and has requested that an easement be dedicated to cover that equipment. Contact Shane Price at 316-261-6315 to resolve Westar's requirement. More utilities appear to be located in both the east portion of the street right-of-way, closer to the Railroad right-of-way. There is a manhole in this portion of Santa Fe that does not serve utilities, but appears to have been used in the past as the entrance to a coal shoot to the applicant's building.

The JR Meads Addition was recorded with the Register of Deeds September 9, 1870.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted street right-of-way.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time January 1, 2015, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of the platted street right-of-way and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Provide restrictive covenants (with original signatures) binding and tying the vacated portion of the street right-of-way to the abutting properties. This will go with the Vacation Order to City Council for final action and recording with the Register of Deeds and subsequent recorded with the Appraiser's Office.

- (2) Provide a dedication for a temporary public access easement (with original signatures to continue to allow the walking connection between Downtown and Central Avenue. This easement will no longer be in effect if the east portion of Santa Fe Avenue can continue through the structural wall (currently in place) to Douglas Avenue; a walking connection from Santa Fe Avenue to Douglas must be maintained. This will go with the Vacation Order to City Council for final action and recording with the Register of Deeds.
- (3) Provide any needed easements (with original signatures) to cover utilities that are currently located within the proposed vacated street right-of-way. If the easement is for public utilities it will go with the Vacation Order to City Council for final action and recording with the Register of Deeds. If it is for franchised utilities, including Westar, provided written confirmation from the franchised utilities that the required easement has been provided.
- (4) Provide a legal description of the vacated street right-of-way, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.
- (5) All improvements shall be according to City Standards and at the applicant's expense. If needed, provide required guarantees or approved projects to ensure relocation and/or relocation of utilities, including, but not limited to, sidewalks, drainage and continuation of curb and gutter. All provided prior to the vacation case going to City Council for final action.
- (6) Any relocation or reconstruction of utilities, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide restrictive covenants (with original signatures) binding and tying the vacated portion of the street right-of-way to the abutting properties. This will go with the Vacation Order to City Council for final action and recording with the Register of Deeds and subsequent recorded with the Appraiser's Office.
- (2) Provide a dedication for a temporary public access easement (with original signatures to continue to allow the walking connection between Downtown and Central Avenue. This easement will no longer be in effect if the east portion of Santa Fe Avenue can continue through the structural wall (currently in place) to Douglas Avenue; a walking connection from Santa Fe Avenue to Douglas must be maintained. This will go with the Vacation Order to City Council for final action and recording with the Register of Deeds.

- (3) Provide any needed easements (with original signatures) to cover utilities that are currently located within the proposed vacated street right-of-way. If the easement is for public utilities it will go with the Vacation Order to City Council for final action and recording with the Register of Deeds. If it is for franchised utilities, including Westar, provided written confirmation from the franchised utilities that the required easement has been provided.
- (4) Provide a legal description of the vacated street right-of-way, on a Word document, via E-Mail, to Planning, prior to the case going to City Council for final action and subsequent recording with the Register of Deeds.
- (5) All improvements shall be according to City Standards and at the applicant's expense. If needed, provide required guarantees or approved projects to ensure relocation and/or relocation of utilities, including, but not limited to, sidewalks, drainage and continuation of curb and gutter. All provided prior to the vacation case going to City Council for final action.
- (6) Any relocation or reconstruction of utilities, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

RAMSEY moved, **WARREN** seconded the motion, and it carried (9-0).

PUBLIC HEARINGS

3. **Case No.: CON2014-00033** - Ronald and Michelle Goodwin, Aaron's Recycling, LLC/Koon Law Firm (Morgan B. Koon) request a City Conditional Use request to permit rock crushing on GI General Industrial zoned property on property described as:

Lot 1, Block A, Aaron Goodwin Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is seeking "conditional use" approval to permit "rock crushing" on 2.45 General Industrial (GI) zoned and platted acres generally located at the northeast corner of North Broadway Avenue and East 25th Street North. The property is located east of the Atchison Topeka & Santa Fe Railroad (AT&SF) tracks and switching yard that are located just east of North Broadway Avenue and north of East 25th Street. The site is currently enclosed by a concrete block screening wall. Located within the screening wall are piles of asphalt and concrete chunks that come from demolition and construction projects located in the area. The chunks are expected to be crushed into smaller sizes and reused in local construction projects. On a typical day the applicant's agent indicates that there could be 20 or fewer truck trips; however, the number of trips is dependent upon the needs of the

applicant's customers. The applicant's aerial/site plan depicts more area than is covered by the conditional use application. Only the area enclosed by the green line and labeled "A" is the application area and the subject of the conditional use request. The application area is only Lot 1, Block A, Aaron Goodwin Addition. Access to the site is located on East 25th Street North via a 26-foot wide driveway. A scale house and a scale are located within the enclosed area. The applicant's aerial photograph/site plan shows a connection in the northeastern corner of the site to the metal recycling operation located immediately east of the subject property.

In 2003, the site received "conditional use" approval for a "wrecking and salvage yard" (CON2003-00047).

Land located north of the application area is part of the AT&SF railroad switching yard. Property located to the east contains the Glickman metal recycling business. Land located south, across East 25th Street North, is vacant. Properties located north, east and south of the application area are zoned GI. West of the application are AT&SF railroad tracks, North Broadway Avenue and west of Broadway Avenue, are a variety of highway oriented commercial establishments zoned Limited Industrial (LI) and General Commercial (GC).

CASE HISTORY: The subject property was initially platted as part of the Goldstein's Addition recorded in 1887, which was vacated by an act of the State Legislature in 1895. Case number CON2003-00047 approved use of the site for a "wrecking and salvage yard" subject to twelve development standards. Case number CON2004-00023 was an "administrative adjustment" to replace metal fencing required by CON2003-00047 with a concrete block wall. The property was platted in 2005 as Lot 1, Block A, Aaron Goodwin Addition (SUB2004-00025).

ADJACENT ZONING AND LAND USE:

North: GI; AT&SF railroad switching yard
South: GI; vacant
East: GI; metal recycling
West: GI; AT&SF railroad tracks and switching yard

PUBLIC SERVICES: Public water is adjacent to the site; however, sanitary sewer, at its closest point, is over 430 feet away. East 25th Street North is an unpaved road that has 60 feet of half-street right-of-way abutting the application area. West of the subject site, East 25th Street North appears to have 30 feet of right-of-way.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for "processing industry." The "processing industry" category encompasses areas with uses that constitute uses associated with primary extraction, processing or refinement of natural resources or recycling of waste materials, having a potential negative impacts associated with noise, hazardous emissions, visual blight and odor. The range of uses includes aggregate and concrete plants, salvage and recycling facilities. The industrial locational guidelines of the comprehensive plan recommend that industrial uses should be located in close proximity to support services and provided good access to major arterials, truck routes, utility trunk lines, along railroads and as extensions of existing industrial uses.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be approved subject to the following conditions:

1. The “conditional use” permits “rock crushing” for three years from the date of final approval. At the end of the three-year time limit the three year time period may be extended by the “administrative adjustment” process.
2. The site shall be developed, maintained and operated in conformance with the approved site plan.
3. The site shall be completely enclosed by solid fencing or block wall a minimum of eight feet in height except at approved access points (as shown on the approved site plan).
4. All internal circulation and points of ingress-egress shall be watered during hours of operation or be treated with a dust control product or be surfaced with an approved all weather surface or some combination of the three to control dust.
5. An updated drainage plan designed to minimizes non-point source contamination of surface and groundwater shall be submitted for review and approval by the city engineer prior to commencing rock crushing.
6. All aggregate piles will be no higher than 20 feet from ground level and watered as necessary to minimize blowing dust. Opacity of dust and emissions of dust from the rock crusher, the aggregate piles or any facility associated with rock crushing cannot exceed applicable opacity standards.
7. Any stockpiling of fuels or chemicals on this site must be approved by Environmental Health.
8. The applicant shall meet all permitting, reporting and operating requirements as necessary per local, state and federal regulations prior to any crushing activities on this site.
9. The level of noise generated by the rock crusher shall not exceed community standards as specified by chapter 7.41 of the City Code.
10. Any violation of the conditions of approval will allow the “conditional use” to be declared null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Land located north of the application area is part of the AT&SF railroad switching yard. Property located to the east contains the Glickman metal recycling business. Land located south, across East 25th Street North, is vacant. Properties located north, east and south of the application area are zoned GI. West of the application are AT&SF railroad tracks, North Broadway Avenue and west of Broadway Avenue, are a variety of highway oriented commercial establishments zoned Limited Industrial (LI) and General Commercial (GC).
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned GI which permits a wide range of industrial and commercial uses. The site also has a Conditional Use that permits a wrecking and salvage yard. The existing zoning on the site permits opportunity for economic return.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested use would add rock crushing to the uses permitted on the site. The site abuts a major wrecking and salvage yard and a regional railroad switching yard. The proposed conditions of approval should minimize detrimental impacts.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The proposed use will accept concrete, asphalt or rock from off-site construction and/or demolition projects. The material will be crushed and reused which benefits the community as a whole. Denial would presumably be a loss of economic opportunity.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for "processing industry." The "processing industry" category encompasses areas with uses that constitute uses associated with primary extraction, processing or refinement of natural resources or recycling of waste materials, having a potential negative impacts associated with noise, hazardous emissions, visual blight and odor. The range of uses includes aggregate and concrete plants, salvage and recycling facilities. The industrial locational guidelines of the comprehensive plan recommend that industrial uses should be located in close proximity to support services and provided good access to major arterials, truck routes, utility trunk lines, along railroads and as extensions of existing industrial uses.
6. Impact of the proposed development on community facilities: None identified.

DALE MILLER, Planning Staff presented the Staff Report. He said the applicant has provided staff a copy of the approved Kansas Department of Health and Environment (KDHE) Permit for the site approved on January 14, 2015. He referred to Item #6 in the recommended conditions of the Staff Report and suggested they be modified to include the updated opacity standards provided by KDHE on the Permit. He also suggested making those part of the conditions of approval, if the request is approved by the Planning Commission. He said Environmental Health has advised that opacity allowances for the site are more strict than some other applications that have been approved in the past. He also mentioned that previously there had been a Wrecking and Salvage Permit issued for the location.

MILLER STEVENS asked about the watering schedule.

MILLER said the machine and conveyor belt have a water misting system.

MILLER STEVENS referred to items #7 and #8 and asked if there were different requirements for fuel and chemical storage.

MILLER said that is a catch all phrase and if something is not specifically mentioned, that does not mean you don't have to follow the requirements.

WARREN asked who monitors any dust problems.

MILLER commented that the City deals with any dust problems on a complaint generated basis. He said he does not know if KDHE performs an inspection during the life of the permit. He said the Metropolitan Area Building and Construction Department (MABCD) and Environmental Health would be the two City departments to perform enforcement.

FOSTER asked about the estimated distance from the site to Broadway.

MILLER said approximately 300 yards.

MORGAN KOON, KOON LAW FIRM, 800 EAST 21st STREET, AGENT FOR THE APPLICANT commented that any dust problems are typically handled as complaints by the City. He said KDHE doesn't have a specific mechanism to check the machines; however, he added that before the machines are started a Method 9 or opacity test is conducted by a third party to insure they are in compliance with the opacity listed on the Permit. He said each year the test is renewed and results are reported to KDHE. He said a test is done each year to insure that the plant is operating within its own systems and the Permit issued by KDHE. He mentioned new air standard emissions issued in 2011 and 2012 for crushers of this type which drastically reduced the opacity for the primary crusher from 20% to 12%. He said screens and conveyers are 7% opacity and stock piles are 20% opacity. He said they do not believe they will have any issues with dust at the location.

FOSTER asked if the location had a sanitary sewer hookup.

KOON responded no.

DIRECTOR SCHLEGEL asked if the applicant agreed with the change in condition #6 recommended by staff.

KOON said yes and added that they have to abide by the KDHE Permit.

MOTION: To approve subject to staff recommendation as amended.

WARREN moved, **MITCHELL** seconded the motion, and it carried (9-0).

4. **Case No.: CON2014-00034** – David and Palmer Properties and KE Miller Engineering, c/o Kirk Miller request a City Conditional Use request for outdoor car sales on LC Limited Commercial zoned property on property described as:

Lots 6 and 7 EXCEPT the South 15 feet for street, Davis Gardens Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on Lots 6-7, except the south 15 feet for street, of Davis Gardens Addition, which is currently zoned LC Limited Commercial ("LC"). The site is located at the northwest corner of North Gow and West Central. The subject site is developed with a two-bay door garage/retail/office, used for limited car and light truck service. The applicant proposes to retain the site's limited vehicle repair shop, which is permitted by right, and sell pre-owned vehicles. Per the Unified Zoning Code (UZC), outdoor vehicle and equipment sales may be permitted with a Conditional Use in the LC zoning district.

The applicant's site plan shows the existing garage/retail/office structure; two existing drives onto West Central Avenue and one existing drive onto North Gow, proposed vehicle circulation, the parking/display area and the area to be paved for the parking/display area. If approved, the applicant needs to provide a revised site plan giving more detail including any proposed light poles and identification of customer and employee parking.

The existing office-sales building has two bay doors on the south side of the building, one bay door on the east side of the building and two bay doors on the north side of the building. It is currently listed by the appraiser's office as a Service Repair Garage. The existing use currently is compliant for the number of parking spaces required for the "vehicle repair, limited" use. Per the UZC Art IV, Sec IV-A, "Off-Street Parking Standards," the 1,848-square foot office for the vehicle sales use would trigger the need for at least three additional parking spaces. The UZC also requires two parking spaces for the first 10,000-square feet of lot area used for sales, display or storage purposes, plus one parking space for each 10,000-square feet of lot area used for sales, display or storage purposes thereafter. The applicant has calculated the display area size being 13,180-square feet, thus the applicant will be required to provide four parking spaces for the display area. A total of seven spaces will be required for the vehicle sales use.

Property north of the site is zoned OW Office Warehouse ("OW") and developed with warehouse/office uses. Property south of the site is zoned LC Limited Commercial ("LC") and developed with a warehouse/retail use. Property east of the site is zoned LI Limited Industrial ("LI") and is developed with a miscellaneous manufacturing use. West of the site, the property is zoned LC and is developed with a full service restaurant.

CASE HISTORY: The site was platted as Lots 6 and 7, Except the South 15 feet for Street, of Davis Gardens Addition; Wichita, Sedgwick County, Kansas on May 28, 1930.

ADJACENT ZONING AND LAND USE:

NORTH:	OW	Warehouse/Office
SOUTH:	LC	Warehouse/Retail
EAST:	LI	Manufacturing
WEST:	LC	Full Service Restaurant

PUBLIC SERVICES: The subject property has access to Central Avenue, a five-lane arterial at this location. Municipal water and sewer services and all other utilities are currently provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for local commercial types of use. This category of use encompasses areas that contain concentrations of predominantly commercial, office, and personal service uses that do not have a predominately regional market draw. The range of uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities.

The Commercial Locational Guidelines of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The conditions attached to a Conditional Use can address site design issues. The Commercial Locational Guidelines also recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg Avenue and Broadway Avenue, or other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities.

RECOMMENDATION: While the site does not entirely meet the Comprehensive Plan's criteria of locating car lots in areas where they are already clustered, it does match up with the MAPC's criteria of locating smaller car sales lots within sites that had previously been used for auto related businesses. Introduction of a car sales lot into an area can lead to other car sales lots and this is an issue that must be addressed on a site-by-site basis with a Conditional Use application. Usually, but not always, on an application for a Conditional Use for a small site for car sales, the car sales are the only business to operate on the site. In this case the applicant proposes to retain the permitted by right limited vehicle repair business, while operating a car sales lot. Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED. Recommended conditions of approval include:

- 1) Obtain all permits and inspection as required by the Metropolitan Area Building and Construction Department. All development will be per City Code including landscaping, code compliance and any other applicable standards.
- 2) In addition to uses permitted by right in the "LC" Limited Commercial district, the site is permitted "vehicle and equipment sales, outdoor" as long as the sale of vehicles is associated with a legal vehicle repair use. The sale or rental of trailers and vehicles or trucks larger than pickups is not permitted.
- 3) No body or fender work shall be permitted without first obtaining "GC" General Commercial zoning.
- 4) The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards, within one year of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.
- 5) The applicant shall install and maintain landscaping in accordance with the landscape plan submitted with the revised site plan, within one year of approval by the MAPC or the City Council. The landscaping plan will be submitted for review by the Planning Director, and approval of the landscape plan shall be obtained prior to the issuance of any permits. The applicant will remove any asphalt needed to come into compliance with the Landscape Ordinance and to ensure that development does not encroach into right-of-way.
- 6) A parking barrier, such as bumper blocks or a pipe railing, shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.
- 7) No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons.
- 8) There shall be no use of elevated platforms for the display of vehicles. All vehicles for sale or for repair must be on a concrete, asphalt or an approved all weather surface.
- 9) No outdoor amplification system shall be permitted.

- 10) No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use. Outside storage of parts, including tires, associated with the car repair, limited, operation shall be within a 6-foot solid screened area.
- 11) The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted.
- 12) All trash receptacles, oil containers or any similar type of receptacles for new or used petroleum products or trash shall have solid 6-foot screening around it. The gate shall be of similar materials as the screening.
- 13) The entrances shall be reviewed and approved by the Traffic Engineer. This must be provided to the City, prior to the Conditional Use being finalized. The applicant shall guarantee the closure of all but the approved entrances according to City standards.
- 14) All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council. No selling of cars shall be allowed until all permits have been acquired and all improvements to the site have been made.
- 15) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 16) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property north of the site is zoned OW Office Warehouse ("OW") and developed with warehouse/office uses. Property south of the site is zoned LC Limited Commercial ("LC") and developed with a warehouse/retail use. Property east of the site is zoned LI Limited Industrial ("LI") and is developed with a miscellaneous manufacturing use. West of the site, the property is zoned LC and is developed with a full service restaurant.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned LC. The property is suitable for the commercial uses to which it has been restricted, including its current use as vehicle repair, limited.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Vehicle sales on a site this size when developed with the Conditional Use, will have a minimum negative effect on the area and at best improve the property, with the application of access control, landscaping, screening and the other conditions on the site.
4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The Land Use Guide of the Comprehensive Plan identifies this area as "Local Commercial." "This

category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of recommended uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may also include mini-storage warehousing and small scale, light manufacturing.” In terms of conformance with commercial goals/objectives/strategies and locational guidelines, the application conforms with the **Commercial/Office Objective** to “Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses,” as well as **Strategy III.B.6** recommends that traffic generated by commercial activities be channeled to the closest major thorough-fare with minimum impact upon local residential streets. The Commercial Locational Guidelines recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg, and other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities. However, this conditional use requests only vehicle sales on an existing site currently operating with a vehicle service. There is no adopted neighborhood plan that would specifically discourage car rental at this site. The conditional use conditions should mitigate any potential negative effects on surrounding properties.

5. **Impact on Community Facilities:** All public facilities are available and existing road facilities are adequate.

DALE MILLER, Planning Staff presented the Staff Report

K.E. MILLER, K.E. MILLER ENGINEERING, 117 EAST LEWIS, AGENT FOR THE APPLICANT said they are in agreement with staff comments. He said no residential development abuts the site and most of the surrounding zoning is either LC or GC. He said his client is currently losing his lease on another lot and owns this property which is why he chose this location. He said the site consists of approximately 2/3 of an acre with a small building on half of it. He said that leaves approximately 1/3 of an acre for vehicle sales, which would probably mean between 30-35 cars for sale at one time. He said this is not a big dealership.

CLIFF OMO, 2051 NORTH 2015 STREET WEST, GODDARD, KANSAS 67052 said he has concerns about a car lot because he owns three commercial buildings in the area located at 3704 W. Central and two at 3510 W. Central. He said he is concerned whether this will turn into a constant flow of incoming car lots on Central. He mentioned that there are older houses on the south side of the street, some of which already have businesses such as a hair salon and other small businesses. He said he would hate to see his property devalued over time. He said on south West Street there are monstrously big car lots. He mentioned that one of the buildings he has on Central was built in 1999 and is 4,800 square feet. He said he just finished building one that is 4,000 square feet, and the other building was a conversion that he bought and had rezoned into a commercial property.

K.E. MILLER commented that the site has a history as being used for auto repair so a lot of vehicles are parked at the site there right now.

MOTION: To approve subject to staff recommendation.

DENNIS moved, **MITCHELL** seconded the motion, and it carried (9-0).

5. **Case No.: CUP2014-00042** – Life Covenant Church, Inc. (Mark Allen) / Kaw Valley Engineering (Tim Austin) request a City minor amendment to Parcel 8 and General Provision 28 of the LC Limited Commercial zoned CUP-DP 313 to allow a convenience store on property described as:

A tract of land in the northwest quarter of Section 23, Township 27 South, Range 2 East of the Sixth Principle Meridian, Sedgwick County, Kansas, more particularly described as follows:
Commencing at the northwest corner of the northwest quarter of Section 23, Township 27 South, Range 2 East of the Sixth Principle Meridian, Sedgwick County, Kansas;
Thence N 89d49'35" E on an assumed bearing along the north line of said northwest quarter of Section 23 for a distance of 263.28 feet;
Thence S 01d10'25" W for a distance of 50 feet to a point of intersection with the south line of Central Avenue in the City of Wichita and the west right of way line of the K-96 Highway as condemned in Condemnation Case No. 91C 768;
Thence S 33d30'34" E along the said west right of way line of K-96 for a distance of 24.79 feet to a point of beginning;
Thence continuing S 33d30'34" E along the said west right of way line of K-96 for a distance of 239.40 feet;
Thence S 2d24'25" W for a distance of 166.68 feet;
Thence S 28d53'39" W for a distance of 169.44 feet;
Thence 00d 49'24" E for a distance of 129.84 feet;
Thence S 89d10'36" W for a distance of 224.11 feet to a point lying 60 feet east of the west line of said northwest quarter of Section 23;
Thence N 00d49'24" W parallel with the west line of said northwest quarter for a distance of 360.46 feet;
Thence N 7d42'27" E for a distance of 101.12 feet;
Thence N 00d49'24" W for a distance of 150 feet;
Thence N 44d00'05" E for a distance 35.46 feet;
Thence N 88d49'35" E for a distance of 150 feet;
Thence N 80d17'44" E for a distance of 27.30 feet to the point of beginning.

BACKGROUND: The applicant is seeking to amend Parcel 8 of the unperfected Parker Addition Community Unit Plan (CUP) DP-313 to permit a "convenience store." The application area is 3.98 acres located at the southeast corner of East Central Avenue and North 127th Street East that is currently zoned SF-5 Single-Family Residential (SF-5) and Limited Commercial (LC). The subject site is part of the larger 29.29-acre Parker Addition CUP that includes land located not only on the southeast corner of the intersection of East Central Avenue and North 127th Street (the application area) but also on the intersection's northwest corner. In 2008, all the property contained in the Parker Addition CUP was approved for Limited Commercial (LC) zoning and the development standards associated with CUP DP-313, subject to platting. The land located on the northwestern portion of the larger CUP that is located on the northwest corner of the intersection of East Central Avenue and North 127th Street East has been platted previously, which perfected the zoning and CUP for only the northwestern portion of the larger CUP. At the time this report was prepared the plat perfecting the southeastern portion of CUP DP-313

has not been recorded; therefore, the application area remains zoned SF-5 and LC but not subject to the approved CUP. A convenience store is not an allowed use in the SF-5 zoning district; therefore the application area cannot permit the proposed use without perfecting the approved zoning. Once the plat containing the application area, Life Church Addition (SUB2014-00028), is recorded, the subject site (Lot 1, Block A, Life Church Addition) will be subject to the approved CUP that does not permit a "convenience store" if located within 200 feet of residentially zoned property (DP-313, General Provision 28). Residential zoning (SF-5) is located 60 feet to the east, across North 127th Street East, of the subject site. Therefore, the requested CUP "amendment" is necessary to allow the proposed use in conformance with both its current zoning and pending CUP.

The site is currently undeveloped. The application area has two points of access to North 127th Street East. No access is permitted to East Central Avenue and K-96 Highway. East Central Avenue at North 127th Street carries between 10,000 and 11,000 average daily vehicle trips. North 127th Street at its intersection with East Central Avenue carries between 3,000 and 5,000 average daily vehicle trips. A 50-foot building setback and pipeline easement is located along the western property line. A 10-foot easement is located along the southern and eastern property line.

Property located northwest of the application area, across East Central Avenue, is zoned LC and is developed with a vacant convenience store. Land located to the north, across East Central Avenue, is unzoned right-of-way. Land located to the east of the site is 500-foot wide K-96 Highway right-of-way. Land to the south, across K-96 Highway right-of-way, is zoned SF-5 but has been approved for LC zoning subject to platting, and is part of CUP DP-313. Land to the west, across North 127th Street East is zoned SF-5 and LC. The LC zoned land located west across North 127th Street is located at the southwest corner of the intersection of North 127th Street and East Central Avenue, and is developed with neighborhood serving retail uses and a bank. Land to the south of the LC zoned land located at the southwest corner of the intersection of North 127th Street and East Central Avenue is zoned SF-5, and is developed with large-lot residences. East Central Avenue is a significant arterial street connecting the core area of Wichita with the core area of Andover. North 127th Street East is a section line road; however, it no longer provides a connection across East Kellogg/Highway 54/400.

A 5,800 square-foot convenience store can generate between 458 and 562 average daily vehicle trips at the peak hour.

CASE HISTORY: ZON2008-00021 and CUP2008-00015 were approved by the City Council on July 22, 2008, which approved a zone change from SF-5 to LC subject to CUP DP-313, both subject to platting. SUB2014-00028, the Life Church Addition was approved by the Wichita City Council but has not been recorded. CUP2014-00028 was an administrative adjustment that modified the configuration of Parcels 8 and 9 and created Reserve A, and re-allocated development standards for Parcels 8 and 9 (September 24, 2014).

ADJACENT ZONING AND LAND USE:

North: LC; vacant convenience store, unzoned K-96 Highway right-of-way

South: SF-5, approved for LC subject to DP-313 and the recording of the plat; church

East: Unzoned K-96 right-of-way

West: LC and SF-5; bank, neighborhood retail shopping, large-lot residential

PUBLIC SERVICES: Currently North 127th Street East in front of the subject site has only 30 feet of half-street right-of-way. When the Life Church Addition is recorded the 127th Street right-of-way at the intersection with East Central Avenue will widen to 75 feet with a corner clip. East Central Avenue at the subject site will have 45 feet of half-street right-of-way when the plat is recorded.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” map identifies this area as appropriate for “local commercial” uses. The proposed amendment will facilitate the proposed development of a convenience store. A convenience store is considered a local commercial use.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request to permit a convenience store on Parcel 8 be approved, subject to:

1. The recording of a plat perfecting the southeastern portion of the earlier approved but unperfected zone change (ZON2008-00021) and CUP DP-313 (CUP2008-00015).
2. Submission of four copies of the approved CUP within 60 days of final approval (if necessary) or the amendment shall be deemed null and void.
3. This amendment does not modify any other provisions of the CUP

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area is located on the southeastern corner of two section line roads, North 127th Street East and East Central Avenue. The site is located within one-half mile of access to Highway K-96 and I-35. Surrounding property is developed with: large-lot single-family residential, neighborhood serving retail and banking, a vacant convenience store. A new multi-family complex is currently under construction. A small portion of the surrounding area is vacant ground. Surrounding land is zoned LC, SF-5, or K-96 Highway right-of-way.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned LC and SF-5, and has been approved for LC zoning subject to CUP DP-313, subject to the plat containing the application area being recorded. The LC district permits a convenience store by-right. Single-Family Residential (SF-5) does not permit a convenience store by right. Therefore the SF-5 to LC zoning portion of the site needs to be perfected to permit a convenience store; however, the CUP development standards associated with the LC zoning prohibits a convenience store located within 200 feet of residential zoning. The site is not properly zoned for the intended use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request will not introduce a new use to the area since there was until the last few months a convenience store located on the northwest corner of East Central Avenue and North 127th Street North. Approval of the request will place a 24-hour/seven day a week use diagonally across from single-family residences. The proposed development standards should mitigate many of the known impacts potentially generated by the proposed use.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Presumably denial would represent a loss of economic opportunity for the proposed convenience store developer and/or the property owner. Approval would permit the development of a convenience store that would be closer to existing area residences.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide" map identifies this area as appropriate for "local commercial" uses. The proposed amendment will facilitate the proposed development of a convenience store. A convenience store is considered a local commercial use.
6. Impact of the proposed development on community facilities: The improvements required by the approved but unrecorded plat should address demands upon community facilities.

DALE MILLER, Planning Staff presented the Staff Report

MOTION: To approve subject to staff recommendation.

WARREN moved, **RAMSEY** seconded the motion, and it carried (9-0).

6. **Case No.: PUD2014-00003** - Bobby and Kimberly Stroupe (owners/applicants) Abbott Land Survey, c/o Chad Abbott (agent) request a Planned Unit Development on 21 acres of RR Rural Residential property on property described as:

A tract of land lying in the North half of Section 34, Township 28 South, Range 3 West of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as: Beginning at the North Quarter Corner of said Section 34 and going easterly along the North line of said Section a distance of 333.5 feet; thence turning right 91° 05' and going Southerly a distance of 1320.0 feet; thence turning right 88° 55' and going Westerly a distance of 1162.4 feet; thence turning right 87° 10' and going Northerly a distance of 264.8 feet; thence turning right 26° 03' and going Northeasterly a distance of 571.1 feet; thence turning right 66° 47' and going Easterly on a line parallel to the North line of the section a distance of 300.2 feet; thence turning left 53° 15' and going Northeasterly a distance of 398.3 feet; thence turning left 20° 35' and going northerly a distance of 220.9 feet to the north line of the section; thence turning right 73° 50' and going Easterly a distance of 30.7 feet to the point of beginning,

EXCEPT a tract lying in the North Half of Section 34, Township 28 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas, described as commencing at the North Quarter corner of said Section 34; thence S 89°59'26" E along the North line of said Section 333.5 feet; thence S 1°06'58" W, 854.81 feet for a point of beginning; thence continuing S 1°06'26" W, 465.19 feet; thence S 90°00'00" W, 1162.40 feet; thence N 1°00'58" W, 95.56 feet; thence N 90°00'00" E, 834.34 feet; thence N 0°58'31" E, 274.44 feet; thence N 74°06'17" E, 347.43 feet to the point of beginning.

BACKGROUND: The applicants propose to change the RR Rural Residential (RR) zoned 21-acre tract to Planned Unit Development zoning (PUD #44). The proposed PUD includes the applicants' single-family residence. The proposed PUD zoned site will be used for events such as outdoor weddings,

family reunions or similar activities. The applicants' propose a maximum of 150 persons for these events. These events will be scheduled on an as need basis, 30 times a year, and not repeated on a weekly basis. The facility will not be open to the general public. The serving and consumption of alcoholic liquor or cereal malt beverages (drinks) on the site is an option for the events. Live music or DJ music for dances for the events are also options, as is the indoor and outdoor preparation of food for these events. Per the Unified Zoning Code (UZZ) the RR zoning district list no defined uses, permitted by right or as a Conditional Use that would allow the site to be used as described. The RR zoning district list no defined uses, permitted by right or as a Conditional Use, that would allow the serving and consumption of drinks on the site as well as the providing live music or DJ music for dances for the events on the site.

The requested PUD would permit the described activities in the county. The PUD zoning district is a special zoning district that is intended to encourage innovative land planning and design. Any use may be permitted within the PUD zoning district, provided that it is consistent with the purposes of the UZZ and the approved PUD plan. The PUD is proposed to be developed into two phases, as stated on the PUD

Currently the site is developed with the applicants' single-family residence, an accessory building to the residence, a wood shed and an accessory building (events building) that will be used for the PUD's activities. As noted on the PUD, the approximately 2,706.34-square foot events building will be used for the options of: indoor events, the cooking and serving of food for the all events, and live music or DJ music for dances for the events. The events building also has restrooms per the Sedgwick County Code. A gravel parking lot is shown on the west side of the events building as is paved (asphalt) handicap parking. An enclosed trash receptacle area is shown on the east side of the event building.

Although the applicants propose a maximum of 150 people attending any one event, Sedgwick County Fire has established a maximum occupancy of 299 persons for the events building. Fire's maximum occupancy is critical because it means the events building will not have to be sprinkled for fire prevention. The Fire Code prohibits the serving and consumption of drinks inside the events building, unless less than 100 people attend an event.

The applicants propose that no music shall be heard on the neighboring properties. The applicants propose that outdoor musical groups and outdoor speakers must be placed at least 100 yards from the PUD's north, south and east property lines. The applicants have proposed that security may be provided. The PUD proposes to provide wooded walking paths with soft lighting and music. The PUD shows floodplain, a 50-foot landscape buffer and 25-foot building setbacks. Other provisions of the PUD refer to allowing tents as needed for the events (not for camping) and portable toilets as needed. The second phase of development for the PUD includes a swimming pool and pool house and an outdoor kitchen facility.

The proposed days of availability are seven (7) days a week. Events are proposed to be available: Monday - Thursday, 8 a.m. to 8 p.m. with music off by 7:30 p.m.; Friday - Saturday 8 a.m. to 11 p.m., with music off by 10:30 p.m. and; on Sunday 8 a.m. to 7 p.m. with music off by 6:30 p.m. from the events' building.

This RR zoned unincorporated section of Sedgwick County is rural in character, with one exception. Agricultural fields are the area's dominate feature, with scattered farmsteads and large tract single-

family residences. The closet residences/farmsteads were built in 1972 (west of the site), 1934 (north of the site), 1976 (east of the site) and 2004, 2009 and 2011 (south of the site). The most recent developments in the area are the large tract single-family residences located south of the site. The Clearwater Creek runs north to south through and along the PUD and the abutting properties on its way to its joining the Ninnescah River located two-miles south of the subject site. There are runs of timber along both sides of the Clearwater, including that portion of the Clearwater that is located along and through the PUD's west and south sides and north of the site across 63rd Street South. The PUD's east side is mostly open. The exception to the area's RR zoning and its agricultural fields and scattered farmsteads and large tract single-family residences is PUD #36, located one-mile south of the subject site, on the southeast corner of 71st Street South and 263rd Street West. The 119.53-acre multi-event venue PUD #36 permits a campground, a bed and breakfast, a convention center, community assembly, retail, multi-family residential as well as numerous other activities. The requested PUD would not be the first for this general area and has fewer proposed uses than the established PUD #36.

CASE HISTORY: The RR zoned subject site not platted and there is no evidence of past zoning activity. Planning has received numerous calls not in favor of the requested zoning. Their concerns include, but are not limited to: traffic, the number of people allowed per event, drainage, loud music, unruly behavior, the availability of liquor and beer and disruption to the rural character of the area.

ADJACENT ZONING AND LAND USE:

NORTH: RR	63 RD Street South, agricultural fields, Clearwater Creek, a farmstead,
SOUTH: RR	Large tract & platted single-family residences, agricultural fields, farmsteads, Clearwater Creek
EAST: RR	Agricultural fields, large tract single-family residences, farmsteads
WEST: RR	Clearwater Creek, a large tract single-family residences, agricultural fields

PUBLIC SERVICES: There is no sewer available to the site. The site is located in Rural Water District #4. Access to the site is off of 63rd Street South, a sand and gravel section line road maintained by the Afton Township. A portion of the site is located within a flood plain, which means development within it must be addressed with an approved drainage plan and must meet all standards for construction of buildings/structures on the site, per the County Engineer and Code Enforcement. Both the maintenance and repair of 63rd Street South and the drainage of the proposed PUD will be determined at the time of the platting of the property.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" of the "Wichita-Sedgwick County Comprehensive Plan" identifies this area as "rural." The rural classification is outside of any city's growth area and is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County and predominately large lot residential development. The RR zoning district is appropriate for the rural classification. The PUD proposes uses not allowed in the RR zoning district. A PUD is intended to:

- (1) Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots. The proposed PUD allows one zoning for the entire property whose use, an event venue that permits the consumption of drinks and music for dancing, is commercial. However the PUD proposes a limited number of times the PUD can be active, in recognition of the area's rural character that in turn enhances the PUD's location and its intent.

- (2) Allowing greater freedom in selecting the means to provide access, light, open space and design amenities. All of the current development and future development is located within the PUD's 21-acres, which provides ample open space. The location of the noted feature development is fluid, restricted by the building setbacks and to an extent the flood plain.
- (3) Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land uses. The PUD's location in this portion of rural Sedgwick County enhances the PUD's location and its intent to provide a limited number of events that will benefit from the rural character. The proposed PUD event venue may be the most rurally located of its type, with the exception of the previously noted multi-event venue PUD #36 located one-mile south of the subject site.
- (4) Allowing deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of this Code. The PUD allows mixed uses without inappropriate LC spot zoning and Conditional Uses. The proposed PUD is not the first in the area, as the multi-event venue PUD #36 located one-mile south of the subject site.

RECOMMENDATION: The ability of an individual property owner to enjoy the use of their property impacts not only that individual property owner but their neighbors and the greater area. The applicants' believe that the proposed PUD's location in rural Sedgwick County enhances the PUD's and its intent to provide a unique events venue. The intent of the proposed provisions of the PUD, including limiting the availability of the PUD, is an attempt to retain the area's rural character and thus minimize the possibility of it degrading the neighboring properties and the area. The approximately 119-acre multi-venue PUD #36 is located a mile south of the proposed PUD, which sets a precedence for uses in the area that are not entirely rural in character. Based upon information available prior to the public hearings, and subsequent conversations between Planning, the applicants and their agent have a resulted in some additional development details planning staff recommends that the proposed PUD be **APPROVED**, subject to platting within a year and the following revisions to the attached PUD:

- (1) As listed in under General; Allow RR uses permitted by right
- (2) As listed in under General in Commercial; Events shall be a maximum of 30 days a year, available (7) days a week. Events are available for rent: Monday – Thursday, 8 a.m. to 8 p.m. with music off by 7:30 p.m.; Friday – Saturday 8 a.m. to 11 p.m., with music off by 10:30 p.m. and; on Sunday 8 a.m. to 7 p.m. with music off by 6:30 p.m.
- (3) Add under General; The site shall be developed per the approved PUD.
- (4) Add under General; Maximum building height for habitable building shall be 35 feet. Maximum building coverage shall be 35%
- (5) General Provision #5, add; all outdoor lighting shall employ cut-off luminaries to minimize light trespass and glare, and will be aimed or shielded such that the light source is not visible from the neighboring Lot. Lighting sources shall be 30 feet in height and limited to 15 feet in height when within 200 feet of residential zoning Districts. No pole lighting within building setbacks.
- (6) General Provision #6 revise to; Parking shall be per Code for a maximum of 150 people and shall have a surface approved by Sedgwick County, including having paved handicap parking stalls.
- (7) General Provision #7 revise to; All drives and access to the PUD shall be 20-foot wide and surfaced with a material approved by Sedgwick County standards including Fire.
- (8) General Provision #10 revise to; Signage shall be a monument type with maximum sign area of 150-square feet of sign and no taller than 15 feet.

- (9) General Provision #14 revise to add; No music shall be heard on the neighboring properties. Monday – Thursday music off by 7:30 p.m.; Friday – Saturday music off by 10:30 p.m. and; Sunday music off by 6:30 p.m.
- (10) General Provision #16, revise to; Food services shall be allowed by Sedgwick County Code
- (11) General Provision #18 revise to add; Tents are available for events as approved by Sedgwick County Code and will not be used for camping.
- (12) General Provision #20 revise to add; Portable toilets are permitted as needed and as permitted and approved by the MABCD, per event.
- (13) General Provision #21 revise to; The facility shall not be affiliated with any Class A or Class B clubs, as defined the Wichita-Sedgwick County Unified Zoning Code
- (14) Take out General Provision #22
- (15) Add to General Provisions; Solid screening of trash receptacles and outdoor mechanical equipment for heating and air and equipment storage shall be per the Wichita-Sedgwick County Unified Zoning Code. Trash receptacle shall be located as shown on the approved PUD.

This recommendation is based on the following findings:

- 1) The zoning, uses and character of the surrounding area: This RR zoned unincorporated section of Sedgwick County is rural in character, with one exception. Agricultural fields are the areas dominate feature, with scattered farmsteads and large tract single-family residences. The closest residences/farmsteads were built in 1972 (west of the site), 1934 (north of the site), 1976 (east of the site) and 2004, 2009 and 2011 (south of the site). The most recent development in the area are the large tract single-family residences located south of the site. The Clearwater Creek runs north to south through and along the PUD and the abutting properties on its way to its joining the Ninnescah River located two-miles south of the subject site. There are runs of timber along both sides of the Clearwater, including that portion of the Clearwater that is located along and through the PUD's west and south sides and north of the site across 63rd Street South. The PUD's east side is mostly open. The exception to the area's RR zoning and its agricultural fields and scattered farmsteads and large tract single-family residences is PUD #36, located one-mile south of the subject site, on the southeast corner of 71st Street South and 263rd Street West. The multi-venue 119.53-acre PUD #36 permits a campground, a bed and breakfast, a convention center, community assembly, retail, multi-family residential along with numerous other activities. The requested PUD would not be the first for this general area and has fewer proposed uses.
- 2) The suitability of the subject property for the uses to which it has been restricted: The site is zoned RR, which primarily permits agriculture uses and large lot residential uses. The site could be continue to be used for a single-family residence or agriculture. The site could continue to be used as zoned.
- 3) Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed PUD is for events such as outdoor weddings, family reunions or similar activities. The applicants propose a maximum of 150 persons for these events. These events will be scheduled on an as need basis, 30 times a year, and not repeated on a weekly basis. The facility will not be open to the general public. The serving and consumption of alcoholic liquor or cereal malt beverages (drinks) on the site is an option for the events. Live music or DJ music for dances for the events are also options, as is the indoor and outdoor preparation of food for these events. Any time the serving and consumption of alcoholic liquor or cereal malt beverages is allowed,

there is a possible negative impact on an area, which could increase the presence of Law Enforcement. Music that is too loud can degrade a neighborhood. The proposed provisions of the PUD are intended to lessen that possibility of the need for more policing (providing security) in the area as well as the intrusion of loud music (cannot be heard on the neighboring properties) on the neighboring properties.

- 4) Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2030 Wichita Functional Land Use Guide” of the “Wichita-Sedgwick County Comprehensive Plan” identifies this area as “rural.” The rural classification is outside of any city’s growth area and is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County and predominately large lot residential development. The RR zoning district is appropriate for the rural classification.

The PUD zoning district is a special zoning district that is intended to encourage innovative land planning and design. Any use may be permitted within the PUD zoning district, provided that it is consistent with the purposes of the UZC and the approved PUD plan. The PUD proposes uses not allowed in the RR zoning district. The requested PUD would not be the first multi-event venue for this general area. PUD #36 is located a mile south of the site and has more approved uses.

- 5) Impact of the proposed development on community facilities: The impact of traffic generated by the PUD on 63rd Street West could be problematic. The maintenance and repair of 63rd Street South will be determined at the time of platting. Because the serving and consumption of alcoholic liquor or cereal malt beverages is allowed, there is a possible negative impact on an area, which could increase the presence of Law Enforcement. Enforcement could be problematic for the Metropolitan Area Building and Construction Department’s (MAPCD) Code Enforcement division in regards to the Fire Code prohibiting the serving and consumption of drinks inside the events building, especially during the weekend when Code Enforcement is not available.

BILL LONGNECKER, Planning Staff presented the Staff Report. He reviewed revisions to the general provisions of the Staff Report as follows: Page 5, Item#8 instead of a monument sign, the applicant’s would like an unlit archway sign and; Item #9 has been changed to indicate that all music (either DJ or live) will be indoors at the event venue.

He said he has received numerous telephone calls concerning the venue and its impact on surrounding properties and the rural character of the area.

DENNIS referred to item #9 and asked if there was a stipulation about no outdoor speakers.

LONGNECKER said a provision for no outdoor speakers should be added.

RICHARDSON asked for clarification of the distances to nearby residences.

LONGNECKER said distances from nearby residences to the event venue itself, as provided by the applicant’s agent, were 441 feet to the west; 816 feet to the south; and 991 feet to the east.

MILLER STEVENS mentioned limiting attendance at the events to 150 people, but there was a provision for putting up tents that could possibly accommodate up to 300 people. She asked for clarification on that.

LONGNECKER explained that the tents would be used to provide shade or shelter for weather or for people who wanted to eat outside. He said total attendance at events, whether inside or outside is 150 people. He mentioned that everything in the area was zoned Rural Residential except Camp Hyde, which was also a PUD, located one mile away at Southeast 73rd St. and 263rd St. East. He said the Camp Hyde PUD has multiple uses including campground and retail. He also added that Camp Hyde is much larger than the site being discussed.

FOSTER asked about the intent of the 50-foot landscape barrier versus a landscape buffer.

LONGNECKER said a landscape buffer would be a more appropriate term and added that the applicants would like walking paths and a gazebo located within the landscaping buffer.

FOSTER asked about the 25-foot building setback.

LONGNECKER said there was a 25-foot building setback located within the 50-foot landscape buffer.

FOSTER asked staff to explain the existing conditions with regard to setbacks.

LONGNECKER said the idea was to create more space between any outdoor activities and the property line. He said the applicant wanted to take advantage of the timber areas on the property with the installation of walking paths and some gazebos.

FOSTER referred to a letter from a neighbor concerning a Fire Code requirement that only allows 99 people at the venue.

LONGNECKER noted in the Staff Report that the venue building was large enough to have a higher occupancy than 150 people; however, the fact that there will be consumption of alcohol means a different standard is applied that dictates that if more than 100 people are in the building and provided alcohol, then the building needs to have a fire sprinkler system installed. He commented that a report was received from the Sedgwick County Fire Department and a representative was also present to answer any questions.

MITCHELL asked about the floodplain on the PUD drawing.

LONGNECKER commented that the Floodplain was provided by the agent for the applicant. He said he would let the agent address the accuracy of that information.

DENNIS commented that there is a new Floodplain Map for Sedgwick County and asked if staff has looked at it.

LONGNECKER said staff has not seen the new Floodplain Map; however, he added that a building permit had to be pulled to build the event center.

RAMSEY said he had received information that a residential permit had been issued for the building and asked if that was accurate.

LONGNECKER said he didn't think he could answer that question because everything he has received regarding the building permit is second hand. He said he understands the building has been built for commercial use including bathrooms per County Code and a meter hook up for rural water through Water District #4.

FOSTER asked about the reference for 30 events per year and asked if that meant a total of 30 days per year.

LONGNECKER clarified that meant 30 days total. He said that clarifying language could be added.

CHAD ABBOTT, ABBOTT LAND SURVEY, 520 SOUTH HOLLAND AGENT FOR THE APPLICANT said they are in agreement with the revised language in the Staff Report and verbal revisions made by Planning Staff at this meeting. He said the applicant did a letter map amendment on the Floodplain and is using the same Base Flood Elevation (BFE) as determined by the division of Water Resources. He added that the Federal Emergency Management Agency (FEMA) has approved that. He said there will be no music or bands outside. He said this is an outdoor wedding venue and ceremonies will be held outside. He said the walking paths and gazebos are for ambiance. He said all music will happen inside the event center and there will be no outside speakers.

ABBOTT gave a brief background stating that the applicant was not attempting to circumvent any zoning regulations and thought they were doing what was allowed under the current zoning. He said they were deep into building construction and had made a considerable investment before they started the PUD process. He said they did not intend to get "the cart before the horse" so to speak.

ABBOTT said the property is very well suited for the uses described in the PUD. He said the applicant's knew they wanted a property for an outdoor wedding venue so they were looking for a property that was insulated from the neighbors and also so the neighbors wouldn't disturb the weddings. He said there is about 300 feet of woods by the shortest distance to the neighboring property and there are also topography features that add to the insulation and general privacy of the area. He said they believe this is a good property for the requested purpose.

ABBOTT said the applicants understand the concerns and reservations expressed by surrounding property owners. He said he contacted two nearby event centers with similar uses including Eberly Farms on 21st Street North, which he said is within 900 feet of a residential area. He said Sedgwick County Code had no complaints whatsoever about sound, lighting or trespassing near the location. He said the other property was Prairie Pines on N. Tyler Road which is within 850 feet of residential properties. He also noted there was much less natural insulation or woods between the properties at that location. He said the City of Maize has had zero complaints about sound, lighting or trespassing at the venue. He said they believe there are enough restrictions and protections in the PUD to govern the proposed use of the facility so it won't be a hindrance or nuisance to the neighborhood. He said 273rd Street is a nice paved road located one-half mile from the facility. He concluded by stating that they feel the site was uniquely situated and suited for the requested use and will be a good addition to southwest Sedgwick County.

KIMBERLY STROUPE, 25501 WEST 63rd STREET SOUTH said they pulled a residential construction permit to construct a barn; however, they asked to build to commercial. She mentioned getting the PUD after they had already built. She said they asked the neighbors and there did not appear to be any concerns at that time. She said there is triple insulation in the barn to keep the noise inside. She said this business is a retirement for their family; that her husband is retired military after 30 years. She said she has been in the wedding industry as a photographer for 12 years. She said they are nature oriented, organic people. She said they wanted a venue where a bride and groom could get married in the woods with a canopy for a very fairytale wedding. She said the celebration after the ceremony at the event center is not their priority. She also mentioned that they would be very selective as to who would be on the property.

MITCHELL asked if the building was above the Floodplain.

ABBOTT responded it is.

RICHARDSON asked who determines if water and sewer is adequate. He also asked about the sewage system.

ABBOTT responded Sedgwick County Code determines if water and sewer is adequate. He said there are two restrooms on the interior of the building. He added that there was also a provision for temporary portable toilets. He said sewage was on a septic system appropriately sized for the facility.

STROUPE said they have been in contact with staff as far as sizing of the septic system and have not hidden what they planned to do with the building once it was completed. She also mentioned installation of a new electrical transformer to accommodate heating and air conditioning the building. She said everything was installed according to County Code per the MABCD. She added that Bud Lett had been advising them along the way.

FOSTER confirmed the condition for the venue to be open only 30 days per year.

STROUPE responded yes, that was correct.

FOSTER asked if an architect had been involved with the design or were they working with a builder.

STROUPE said they worked with a builder and provided drawings to MABCD. She said Chad Abbott assisted with everything on the outside.

AARON PAULY, 25717 WEST 63rd STREET SOUTH said he lives adjacent to the west of the site. He said the building permit was pulled as a residential permit and states on it non-commercial use according to Kelly Dixon at MABCD. He said that means the building is meeting residential codes, not commercial codes.

PAULY commented he has lived within three miles of this site his entire life. He said they decided to purchase their property four years ago for the seclusion, abundant wildlife and low traffic in the area. He said the figure of 441 feet from their residence is a guesstimate and is not from the corner of their property line which is more like 50 to 75 feet. He commented that they have hired Baughman and

Associates because the property line does not match up with what is on their deed, which would move the property line another 30 foot to the east. He said one document shows 9.1 acres and their deed is showing 10.22 acres. He said if this proposal were happening in the City of Wichita it would be considered a nightclub because of the alcohol and live music, and that requires a 200-foot setback from the closest residential property. He said this is approximately 50 feet from their property line.

PAULY referred to Golden Rule #3 with regard to detrimental affects to nearby property. He said right now approximately 10 vehicles a day travel down 63rd Street. He said this facility will greatly increase the amount of traffic and noted that there were three unmarked intersections nearby, the closest being 1 ½ miles away. He said Camp Hyde has been in existence since 1952 and was there before any residences came into the area. He added that alcohol is not allowed on Camp Hyde property because of insurance requirements. He said Eberly Farms has been in existence since 1962 and it is approximately 600 feet from the closest residence and 400 feet from the closest property line. He said they are fully licensed to serve alcohol.

MOTION: To give the speaker one additional minute.

DENNIS moved, **WARREN** seconded the motion and it carried (9-0).

PAULY commented that on the PUD application it refers to 150 people as the maximum amount of guests at the venue; however, when they looked at the Rustic Timbers WEB site, it states anywhere from 175 to 200 people so the applicant is not even following their own guidelines and are advertising for up to 200 people. He referred to a few pictures of the area including from the center of the creek looking directly east to the event center building, pot holes along 63rd Street and the view out the back window of his residence which is all windows so they can enjoy the wildlife. He referred to a map encompassing approximately 105 square miles (or 25,000 acres) which is a drainage basin to Clear Creek. He concluded by mentioning the reference to beer on the Rustic Timber Facebook Page. He said reference to beer doesn't sound like you are trying to maintain a wholesome, low key type of event.

MOTION: To give the speaker one additional minute.

FOSTER moved, **DENNIS** seconded the motion and it carried (7-2). **MILLER STEVENS** and **MITCHELL** – No.

PAULY mentioned another contradiction on the Rustic Timbers WEB site regarding smoking or non-smoking. He said the entire property is surrounded by native grass on the north and south sides and there is approximately 250 acres of wheat directly across the road from the site. He said Camp Hyde is 120 acres and Eberly Farms used to be an entire ¼ section. He said this site is only 20 acres. He said this is not a good fit for the neighborhood and added that he has 16 Protest Petitions in opposition to this application from the neighborhood to turn in.

HUGH HINE, 6635 SOUTH 254th STREET WEST, VIOLA, KANSAS said he owns the property adjacent to the south of the site. He said his main concern is safety since his two young children and nieces and nephews play in the area. He said what is going to keep people from coming onto his property and how is this going to be policed. He said the arbor and benches where they are proposing to hold the ceremonies is not 40-60 feet from his property line. He commented that the paths are already

cut through the area. He said there will be people all over the area, after dark and drinking. He asked how the applicant proposes to secure the whole area. He said the entire area is in the 100-year Floodplain and said the entire area floods and although the applicant has not experienced it, everything will be gone when it floods because the creek moves fast and comes up in a hurry. He said if someone comes onto his property and gets hurt, he will be liable for it.

HINE said he is also concerned about how this zone change will affect the value of his property. He asked if the zoning change is allowed what else can go in there, light commercial and other uses. He said if the applicant wants to maintain timberline, he suggested a conservation easement. He mentioned the 30 venues and drinking and asked who was going to enforce that. He concluded by saying that the YMCA Camp Hyde is a non-profit organization for children. He said a for profit business in this area isn't going to benefit any of the neighbors, it is going to benefit the applicant. He said everyone he has approached about this within a 5 mile radius is opposed to it. He said he also had 9 Protest Petitions to turn in opposing the rezoning action. He said this is not a good setting for this venue and mentioned the impact on the environment, wildlife and peace and quiet of the area. He said the arbor is located not even 200 feet from his house and as a comparison, he said he can hear his neighbor 1,500 feet to the south having coffee in the morning.

EVERETT DILLON, 25229 WEST 63rd STREET SOUTH said he lives just east of the proposed area and has several major concerns. He said basically this is a residential area where everyone knows everyone. He said establishing a business in the middle of these residences just doesn't fit in with the surrounding neighborhood. He said this area is not suitable for any kind of development. He said he has lived in the area 38 years and has seen water over the mail box by the entrance to the property off of 63rd Street. He referred to several pictures showing the depth of the water in the area three feet above the surface of the bridge. He commented that he didn't know how this property was removed from the Floodplain. He showed a picture with a view from his property looking to the west and commented that the entire area was covered with water. He said the original property owner had water clear up to the house and had to use sand bags. He said it is not a matter of if the area will flood, but when it will flood. He mentioned the bridge in front of the property and the wash boarding along 263rd Street. He said additional traffic is only going to make that situation worse. He said the WEB page mentioned gravel drives but there is just sand in the area which will get muddy and full of ruts when it rains, and more traffic is just going to make that worse because they don't get regular maintenance on the roads in the area.

DILLON said he also has safety concerns with alcohol consumption at the venue and the drinking and driving issue.

MOTION: To give the speaker one additional minute.

RICHARDSON moved, **FOSTER** seconded the motion and it carried (8-1).

DILLON said this will encourage drinking and driving in the area which could cause problems throughout the community. He asked who is going to control that. He said he and his neighbors moved out there to get away from that sort of thing. He concluded by asking who wants to live next to a business.

FOSTER asked the speaker how he felt about the applicant only operating 30 days out of the year.

DILLON asked who was going to enforce that condition. He said there is no guarantee and no one is going to enforce any of the conditions.

JIM PAULY, 22601 WEST 71st STREET SOUTH said he lives 2 ½ miles east of the property. He said he wanted to emphasize that he doesn't think the flooding issue in the area can be underestimated. He said the applicants are fairly new to the area but he has lived there 63 years (his entire life). He said the weather is very unpredictable and a flood will occur again. He said unfortunately a lot of improvements and facilities that the applicant has made will go down the creek because it is unpreventable.

JANIS PAULY, 22601 WEST 71st STREET SOUTH provided a hand out referencing the Golden Rules as they apply to the application.

Factor 1 – she said the immediate area is made up of thirteen residential homes, including two farmsteads; agricultural fields; and a waterway, Clearwater Creek. She said ten of those thirteen residences have been in existence for over 30 years.

Factor 2 – she said music and entertainment venues as well as increased traffic flow will disrupt the peaceful and quiet nature of the area. She said the proposal that “no music will be heard by neighboring properties” is wishful thinking. She said they can hear the chimes from the church at Clonmen (2 ½ miles east), music from Camp Hyde (2 ½ miles west) music from events held at Lake Afton (4 ½ miles northwest) and the gun fire from the Law Enforcement shooting Range (adjacent to Lake Afton) from their home. She said sound containment at less than 200 yards seems unobtainable. She said the aesthetic appeal of Clearwater Creek quickly vanishes when Mother Nature unleashes heavy rains causing flooding of the entire creek area. She said dead timber and other debris are forced downstream tearing out fences and anything else blocking the rushing waters. She said citing Camp Hyde as a similar venue already in the area is a stretch and added that comparing a not for profit destination day camp to a for profit special event venue is not a true comparison. She said Camp Hyde is bordered on two sides by paved major thoroughfares. She said its primary use is to provide day camp-style child care on weekdays and host a few other family related activities which are mostly alcohol free events.

Factors 3 and 5 – she said increased traffic flow and people entering the area to attend events trespassing, security and fire safety are major considerations in rural living and the availability of alcohol at the events raises concerns higher. She said the paths in the wooded areas are perfect for photo ops, but can also pose fire hazards and one errant cigarette can quickly ignite dry undergrowth, jumping to adjacent fields or nearby homes. She said drinking and driving on sandy country roads after dark, whether alcohol impaired or not can be unnerving and cell phones and GPS aids are of little help. She said she is concerned about late night trespassers seeking directions or asking for help pulling a vehicle out of a ditch.

PAULY asked if the applicants purchased the property with the intent of using it as a commercial event venue and, if so, at what point was the agricultural shed building permit rescinded and the application for a commercial venue building permit submitted and issued. She asked if the application should be labeled “spot zoning” because the applicant failed to do the proper homework prior to construction.

Factor 7 – heavy traffic on rural roads can make roads impassable and increased traffic will cause added costs and roadway maintenance. She also asked about trash and the smell of leftover food enticing rodents into the area. She asked about sewage disposal and if the facility will be able to contain waste materials during a flood. She asked if the back areas of the property were accessible to fire trucks in case of a fire, or EMT's and what was the response time. She said it says security will be provided; however, law enforcement response time in rural areas varies greatly.

MOTION: To give the speaker one additional minute.

MILLER STEVENS moved, **RICHARDSON** seconded the motion and it carried (6-3).
RAMSEY, J. JOHNSON, WARREN – No.

Factor 8 – the area residents are opposed to the proposed zone changes. She said Camp Hyde was already an established entity when the area residential home sites were chosen. She asked why new landowners should be allowed to come in and disrupt the peace and quiet of this rural setting.

BRYAN GRIZZELL, 7800 SOUTH 263rd STREET WEST said he resides directly south of Camp Hyde and moved there 10 years ago because it was what they could afford in the area which they very quickly found out why. He said 30 events per year is almost every weekend. He said they deal with events all through the week as well 30 events every year. He said they lose their quality time with family because there is a function almost every weekend of the year. He said he can't calculate how many times they have had to replace fencing, how many times they have found event goers on their property and how many times they have caught children and adults throwing rocks at horses or cattle. He said Camp Hyde expanded the premises in 2012 and they were without water for two weeks. He said when Camp Hyde drained the ponds it burned up both of his wells. He said he takes this application personal although he does not live directly beside the location. He said the zones are in place to protect the community. He said there should be a petition with community support to change the zoning, not a petition not to change the zoning. He said when one person's rights outweigh the entire community, it becomes very dangerous.

ABBOTT explained how this portion of land was taken out of the Floodplain. He said the applicant contacted the Division of Water Resources and provided a topographic survey of the entire property with elevations, which was verified by the Division of Water Resources. He said Division of Water Resources developed base flood elevations based on the new data that would be used to create the new Floodplain Maps. He said the applicant did a letter map amendment and provided information to FEMA and the application was approved. He said there are some old structures located on the property that have not been washed away by flood waters.

RAMSEY clarified that the intent of the applicant when purchasing the property was to have an event venue. He asked why they are just now talking about rezoning to commercial; why wasn't that done prior to construction of the building.

STROUPE responded when they looked at the property they went to a meeting where staff told them they would have to do a PUD and rezoning and that would be part of the process. She said she misunderstood at what place that should be done. She said there was a miscommunication and they did the process out of order, which was their mistake.

RAMSEY said he drove out to the property and commented that it is beautiful land. He asked with all the land located to the east, why did they build so close to the property line.

STROUPE said they built at that location because of the flood zone, the septic system and where it should go according to MABCD staff (Kelly Dixon) and also where the connection for rural water would come in. She said further north the elevation goes down and there might be the possibility of flooding. She said they built where they felt it was a good distance from neighbors to the west, north and south.

RAMSEY commented that there didn't appear to be parking for 150 people unless they were going to park in the middle of a field.

STROUPE said they intend to have as small weddings as possible and added that they could add on to the parking lot.

RAMSEY asked how the 30 events per year and alcohol consumption provisions are enforced.

STROUPE commented that alcohol will not be served at every event. She said they plan on having a security guard on site so they won't have to wait for law enforcement, along with her and her husband. She said a licensed beverage caterer will serve at any events that have alcohol.

J. JOHNSON asked if the applicant lived at the residence on the property.

STROUPE said yes.

J. JOHNSON asked if this was viewed as a rural business ancillary to the residence.

MILLER clarified if Commissioner Johnson meant a home occupation, and said no, that is why the PUD is required.

J. JOHNSON clarified that this would not fall under the home occupation category.

MILLER confirmed no.

FOSTER asked about the structure located in the southwest area within 25 feet of the adjacent property and if that is where people would congregate for wedding ceremonies.

STROUPE said she would have to confirm the distance because she believes it is further than 25 feet, but yes, that is a small ceremony site. She added that smoking will only be allowed in designated areas. She said the total number of people was changed to 150 and commented that their WEB designer will make the appropriate updates regarding these issues on the WEB page.

ABBOTT indicated where the outdoor wedding site was located which was approximately 250 feet from the adjacent property. He said the gazebo was located along the walking trail but that was not where the ceremonies would be performed.

STROUPE commented that there is an electric fence on the property to the south. She said they will be planting trees in front of that because it is very visible because it is white. She commented that safety is their number one issue and added that one of their grandchildren also lives on the property.

WARREN said he was in favor of this request and wanted to give his reasons. In addition, he commented that he had ex parte communication in the way of an e-mail from Brad and Randy Hiner. He said his family has a farm south and east of Derby and built a barn in the 1980's that they have used hundreds of times. He said they don't rent it because it is for use by their family but they allow other organizations to use it free of charge. He said he understands the fears of the surrounding residents but it has been their experience that they have not seen any of the problems or issues brought up at this meeting. He said noise is a minor situation because this is not like standing on the sidelines of a football game with everyone cheering at once but more like a dinner party with a small din that is not disturbing. He said they have never had any trespassing or problems of that nature. He mentioned that a friend of his had opened a similar venue and experienced the same fears from surrounding neighbors. He said another similarity was that they also had a gazebo along a creek and when you build near a creek there is going to be flooding and that is part and parcel of building in that location. He said 30 events per year, times five hours per event is a total of 150 hours per year out of 8,000 hours per year. He said he does not believe the fears are real or that the surrounding property owners are going to see a loss of value of their property or enjoyment of their properties.

MOTION: To approve subject to staff recommendation, including verbal changes made at today's meeting.

WARREN moved, motion died due to lack of a second.

J. JOHNSON asked what type of fencing or screening is required.

LONGNECKER said the PUD allows using the existing vegetation as a landscape buffer.

RAMSEY commented that the applicant said she met with staff early on and knew that eventually she would have to get the PUD and change the zoning. He said wouldn't staff have told the applicant that they needed to do the zoning first.

MILLER responded that the applicant attended a Development Review Meeting where staff informs individuals what is required if they want to proceed with an idea. He said County MABCD and other staff were present to provide advice and answer questions they asked. He said it is up to the individual to follow-up and move ahead with the project.

RAMSEY clarified so staff never said eventually you will have to do this but now you are fine.

MILLER responded not in the Development Review meeting.

RICHARDSON asked about permits in other zoning districts for portable restrooms and if the applicant would be required to get a permit each time portable restrooms are used.

LONGNECKER said MABCD issues permits for portable restrooms and a new permit would need to be issued each time they are used.

RICHARDSON said using portable restrooms was part of staff's recommendation.

STROUPE said portable restrooms would not be used.

LONGNECKER stated that the request for portable restrooms was on the application; however, that can be removed if that is what the Commissions desires.

FOSTER mentioned using a 50-foot landscape buffer for screening and referred to the photographs that show that during winter time you can see right into the facilities. He requested that a landscape buffer plan be submitted as part of the approved site plan. He said there is not sufficient evergreen to provide the desired screening.

LONGNECKER said the Commission could approve an additional condition as part of any motion to approve the application.

FOSTER suggested that.

MITCHELL commented said the thought of having 150 people one-half mile away from a public road that floods during a flood, is not a good idea and he will not support it.

RAMSEY said after visiting the site, he can see why people moved out there for seclusion, privacy and to enjoy the wildlife. He said he could clearly see buildings to the west from the event venue and thought that could be a problem. He said he also had a problem with the idea of "we'll build it and get permission later." He said he doesn't feel he can support this particular item and said he would be quite upset if he was one of the neighbors. He said someone can move close to Camp Hyde because they know it is there, but to put this facility in after the fact he feels is an egregious violation.

CHAIRMAN GOOLSBY pointed out for the record that Commissioners have had ex parte communication regarding this application.

DENNIS said although he has sympathy for the applicant; he said in reviewing the application and staff's recommendations for approval, those same recommendations could also be reasons to deny the application. Therefore, he moved to deny the application.

MOTION: To deny the application.

DENNIS moved, **MILLER STEVENS** seconded the motion, and it carried (8-1).

WARREN – No.

NON-PUBLIC HEARING ITEMS

Case No.: DER2015-00001 - Presentation and briefing on the Working Draft Community Investments Plan 2015-2035, a new comprehensive plan for Wichita-Sedgwick County by Cindy Miles (Plan Steering Committee Co-Chair).

Background:

Development of the January 8, 2015 Working Draft Plan:

2007-2008

- Various MAPC members advised MAPD staff that revisions to the current Wichita-Sedgwick County Comprehensive Plan (dating to 1993) are needed to better guide future growth and public infrastructure decisions (esp. capital improvement programming priorities) for Wichita and Sedgwick County.

2011-12

- At the request of the City and County Managers, Wichita State University completed an extensive assessment of the condition (relevancy, need for repairs, age/life cycle stage, replacement cost, utilization level, associated maintenance costs, planned investments) of all current City and County infrastructure and facility assets.
- A Plan Steering Committee was jointly appointed by the City and County Managers in the fall of 2012 to oversee the development of a new comprehensive plan called the Community Investments Plan. The Committee first met in November 2012 to begin work on the new plan. The Plan Steering Committee is comprised of two representatives for the Wichita City Council, two representatives for the County Board of Commissioners, seven members of the MAPC, two representatives from the Sedgwick County Association of Cities, and five representatives from the community-at-large.

2013-2014

- Utilizing the findings of WSU's existing conditions and community infrastructure assessment report, the Plan Steering Committee went through an extensive process of data evaluation, trend analysis, and the development of alternative Wichita growth scenarios.
- A joint workshop to review progress in developing the Plan was held with the Plan Steering Committee, the City Council and the County Board of Commissioners on February 25, 2014.
- A total of 31 Plan Steering Committee meetings have been held to date. The Working Draft Community Investments Plan document was finalized at the Committee meeting on January 7, 2015.
- The following community engagement and outreach initiatives were undertaken over the last two years to inform the public and receive initial feedback about future growth and investment priorities for our community:
 - o *January 2013*, WSU community-wide mailed survey (funded by the City and County) - 4,100 surveys received
 - o *September 2013-January 2014*, ACT ICT outreach meetings (102) organized by the City (primary purpose was to gauge support for a City sales tax initiative) – total attendance was about 2,000 people
 - o *April 2014*, Community Investments Plan Open House Meetings (four) – total attendance was 97 people
 - o *May-June 2014*, Community Investments Plan Discussion Meetings (nine) – total attendance was 96 people
 - o *May-June 2014*, Activate Wichita On-line Survey – total of 50 survey participants

Working Draft Plan Components

1. **2035 Plan Vision Statement** (this defines the future we want to help make for our community based on our public infrastructure investments):

"Building on our rich aviation and entrepreneurial heritage, Wichita-Sedgwick County is a global center of advanced manufacturing and high-tech industry and a premier service, education, health and retail center for South Central Kansas. People feel safe and enjoy affordable housing choices in diverse, vibrant neighborhoods offering unique quality living environments and active, healthy lifestyles with access to arts, culture and recreation."

Core Community Values (they define our community approach and beliefs for the purposes of this Plan):

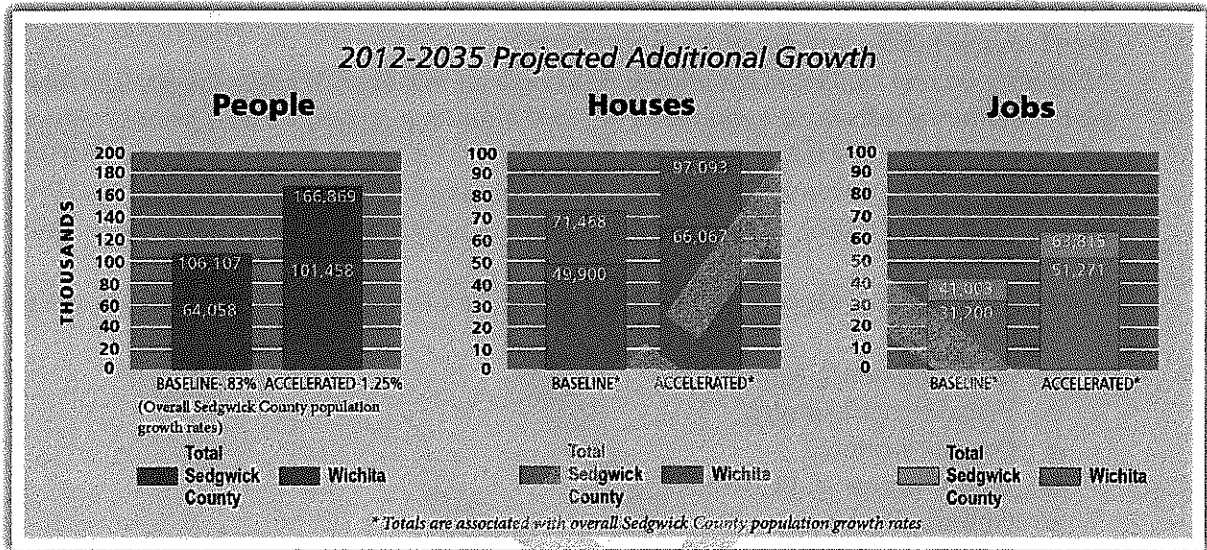
- Common-sense Approach
- Fiscal Responsibility
- Growth-oriented
- Inclusiveness and Connectivity
- Cultural Richness
- Vibrant Neighborhoods
- Quality Design

2. **Plan Guiding Policy Principles** (they represent key aspirations and actions for our community, and set priorities at the highest level for future public infrastructure investment decisions):

- 1) *Support an Innovative, Vibrant and Diverse Economy*
- 2) *Invest in the Quality of Our Community Life*
- 3) *Take Better Care of What We Already Have*
- 4) *Make Strategic, Value-added Investment Decisions*
- 5) *Provide for Balanced Growth but with Added Focus on Our Established Neighborhoods*

3. **Future Land Use Policies** (the following four elements encourage orderly growth that meets future market demand while considering impacts to taxpayers, developers, the environment, and the community as a whole):

- 1) 2035 Urban Growth Areas Map
- 2) 2035 Wichita Future Growth Concept Map
- 3) Locational Guidelines (address Development Patterns, Land Use Compatibility, and Design)
- 4) Wichita Urban Infill Strategy (targets the Establish Central Area; strategy focuses on areas of stability and areas of opportunity)



The accelerated population and employment growth rate of 1.25% is reflected in the 2035 *Urban Growth Areas Map* and the 2035 *Wichita Future Growth Concept Map*.

4. Plan Elements (a set of Goals and Strategies to guide decisions for each of the following Plan Elements):

- Funding and Financing
- Transportation
- Water, Sewer and Stormwater
- Arts, Culture and Recreation
- Public Safety

5. Plan Implementation (is comprised of the following two elements):

- **Part 1. Infrastructure Investment Decision-making Framework**
 - Level 1 Evaluation – Detailed Project Analysis*
(Individual project merits)
 - Level 2 Evaluation – Project Selection and Funding*
(Project priorities, connecting the CIP to the Plan)
 - Level 3 Evaluation – Capital Improvement Programming*
(Project timing, phasing & sequencing)
- **Part 2. Plan Monitoring, Review and Amendment**

Recommended Action: Review and provide comments for consideration by the Plan Steering Committee.

CINDY MILES, Co-Chair, Comprehensive Plan Steering Committee, presented a brief overview of Plan Development to date.

MITCHELL commented that there has been a tremendous amount of delayed maintenance and there is not that much land left to build on to collect monies to finance those costs. He said the City needs to find some way of increasing financing other than holding the tax limit year after year.

RICHARDSON referred to the three scenarios provided and asked if the Commission was going to be asked to select one of them.

MILES indicated that Steering Committee has already chosen one of the scenarios to move towards based on community feedback.

RICHARDSON asked which scenario was it.

DIRECTOR SCHLEGEL responded the balanced growth and infill scenario.

FOSTER referred to the growth map and the mention of mixed use and mixed land uses and asked if staff would need to go back and look at the zoning document to parallel the mixed use zoning.

DIRECTOR SCHLEGEL commented that as cases are brought before the Planning Commission, the Commission will be able to refer back to the map to see what is recommended by the Comprehensive Plan.

FOSTER said he appreciated being on the Committee and staff's effort to bring in a diversified group of people to help guide the Plan.

MOTION: To receive and file the update.

J. JOHNSON moved, **FOSTER** seconded the motion, and it carried (9-0).

Other Matters/Adjournment

The Metropolitan Area Planning Commission adjourned at 3:50 p.m.

State of Kansas)
Sedgwick County) ss

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2015.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)

METROPOLITAN AREA PLANNING COMMISSION

Minutes

February 5, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, February 5, 2015 at 1:30 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Matt Goolsby, Chair; Carol Neugent, Vice Chair; David Dennis; John Dailey; David Foster; Bill Johnson; Joe Johnson; John McKay Jr.; Bill Ramsey; Lowell E. Richardson; Debra Miller Stevens and Chuck Warren. Don Klausmeyer; and Don Sherman were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Jeff Vanzandt, Assistant City Attorney and Robert Parnacott, Assistant County Counselor.

1. Approval of the prior January 8, 2015 MAPC meeting minutes.

MOTION: To approve the January 8, 2015 meeting minutes.

DENNIS moved, **MCKAY** seconded the motion, and it carried (7-0-5). **DAILEY, FOSTER, J. JOHNSON, RAMSEY** and **RICHARDSON** - Abstained.

2. CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS

There were no Subdivision items.

3. PUBLIC HEARING – VACATION ITEMS

- 3-1. **VAC2014-00052: County request to vacate a portion of platted public street right-of-way,** generally described as a portion of 3rd Street located between the Railroad right-of-way and North Avenue F in Furley.

APPLICANT/AGENT: Andale Farmers' Coop, c/o Steve Morris (applicant) Kaw Valley Eng., c/o Tim Austin (agent)

LEGAL DESCRIPTION: Generally described as the north 20 feet of the platted 80 feet of 3rd Street right-of-way that abuts the south sides of Reserve G, Lots 1 & 2, Block 19, the east side of the Andale Farmer's Coop property and the west side of Avenue F right-of-way, all in the Furley Addition

LOCATION: Generally located south of 109th Street North and west of 111th Street East (BoCC 1)

REASON FOR REQUEST: Expansion of Andale Farmer's Coop

CURRENT ZONING: The site is a public street right-of-way. The abutting north and west properties are zoned LI Limited Industrial. Platted public right-of-way Avenue F abuts the east side of the site.

The applicant proposes to vacate north 20 feet of the platted, unimproved 80 feet of 3rd Street right-of-way (ROW) that abuts the south sides of Reserve G, Lots 1 & 2, Block 19 (Andale Farmer's Coop property), the east side of the Andale Farmer's Coop (the applicant) property and the west side of Avenue F ROW, all in the Furley Addition. The applicant proposes additional buildings for the Coop. All of Furley's streets have been platted with 80 feet of ROW. The vacation would reduce this portion of 3rd Street to 60 feet of ROW, which is within the Subdivision's standards for a residential street. There is no public sewer located in the right-of-way. There is a power line pole located in the northwest portion of the 3rd Street – Avenue F intersection; the area of the vacation activity. Comments are needed from the owner(s) of the utilities located on the power line pole. The site is located within Sedgwick County Rural Water District #1 and its comments are needed. The Furley's plat's text states that it is to be filed as a map or a plat of a town. Furley is an unincorporated town of approximately (+/-) 3.2-acres. The Furley Addition was recorded May 20, 1887.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, Water & Sewer, Fire, Sedgwick County Rural Water District #1, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted, unimproved, street right-of-way.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time January 15, 2015, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described portion of the platted unimproved, street right-of-way and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate that portion of the unimproved portion of 3rd Street ROW as approved by the Sedgwick County Engineer.
- (2) Dedicate a portion of the described vacated portion of the platted, unimproved, street right-of-way as a utility - drainage easement. This easement (with original signatures) must be provided to Planning prior to the case going to the County Commission for final action.
- (3) Any relocation or reconstruction of all utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense shall be to County Standards. If needed provide a private project for relocation of utilities. The approved private project number must be provided to Planning prior to the case going to County Commission and subsequent

recording with the Register of Deeds. If these are franchised utilities, provide Planning with approval from the participating franchised utility

- (4) Provide an original restrictive covenant(s) binding and tying the vacated portion of the vacated subject street right-of-way to applicant's abutting property. This must be provided to Planning prior to the case going to the County Commission and subsequent recording with the Register of Deeds.
- (5) Provide Planning with a legal description of the vacated street on a Word document, via e-mail. This must be provided to Planning prior to the case going to City Council for final action.
- (6) Provide County Fire and Public Works with any needed improvements, per County Standards and at the applicants' expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate that portion of the unimproved portion of 3rd Street ROW as approved by the Sedgwick County Engineer.
- (2) Dedicate a portion of the described vacated portion of the platted, unimproved, street right-of-way as a utility - drainage easement. This easement (with original signatures) must be provided to Planning prior to the case going to the County Commission for final action.
- (3) Any relocation or reconstruction of all utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense shall be to County Standards. If needed provide a private project for relocation of utilities. The approved private project number must be provided to Planning prior to the case going to County Commission and subsequent recording with the Register of Deeds. If these are franchised utilities, provide Planning with approval from the participating franchised utility
- (4) Provide an original restrictive covenant(s) binding and tying the vacated portion of the vacated subject street right-of-way to applicant's abutting property. This must be provided to Planning prior to the case going to the County Commission and subsequent recording with the Register of Deeds.
- (5) Provide Planning with a legal description of the vacated street on a Word document, via e-mail. This must be provided to Planning prior to the case going to City Council for final action.

- (6) Provide County Fire and Public Works with any needed improvements, per County Standards and at the applicants' expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County

Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

B. JOHNSON moved, **RAMSEY** seconded the motion, and it carried (12-0).

PUBLIC HEARINGS

4. **Case No.: ZON2014-00033** - BATC, LLC (applicant/owner) Timothy Chadd (agent) request a City Zone change from SF-5 Single-family Residential to TF-3 Two-family Residential on property on property legally described as:

Lots 1, 2, 3, 4, 5, 23, 24 and 25, Block E, Country Acres 6th Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is requesting TF-3 Two-Family Residential zoning on the undeveloped, platted 1.77-acre SF-5 Single-Family Residential zoned site; Lots 1, 2, 3, 4, 5, 23, 24 and 25, Block E, Country Acres 6th Addition. The applicant proposes to build a duplex on each lot. Each of the eight (8) lots exceeds the Unified Zoning Code's (UZC) minimum standards for lot size for a duplex. The site is located south of Central Avenue, between Ridge Road and the Big Ditch, on the west side of Wayside Lane's intersections of Newell Street and Frazier Lane.

The SF-5 zoned site is located in a neighborhood of predominately low to high density residential development and zoning. The neighborhood is located south of (and behind) the commercial development and zoning along Central Avenue. A small SF-5 zoned public park abuts the west side of the site. The park separates the site from the adjacent west SF-5 zoned single-family residences (built in the early 1970s). A small GO General Office zoned office is located further west of the site along Ridge Road, marking the end of most of the area's SF-5 zoning. South of the site are SF-5 zoned single-family residences (built in the early 1970s). Further south and east of the site are MF-18 Multi-family Residential and TF-3 zoned duplexes, apartments and townhouses, all part of a residential Community Unit Plan, CUP DP-59. The duplexes appear to be some of the most recent residential development in the area, being built in the mid-2000s. A GC General Commercial zoned self-storage warehouse is also located in this area south of the site. North of the site is the LC Limited Commercial zoned YMCA, retail, a cosmology school, a bank, restaurants, and other commercial uses. Most of this development is part of the commercial CUP DP-39.

CASE HISTORY: The subject site was platted as, Lots 1, 2, 3, 4, 5, 23, 24 and 25, Block E, Country Acres 6th Addition, which was recorded with the Sedgwick County Register of Deeds February 8, 1960. DAB V considered this request at their January 26, 2015 meeting and recommended approval, 7-0. No one protested the request at the DAB V meeting.

ADJACENT ZONING AND LAND USE:

NORTH: LC	YMCA, retail strips, restaurants, cosmology school
SOUTH: SF-5, MF-18, LC, GC	Single-family residences, apartments, duplexes, self-storage
WEST: SF-5, GO	Public park, single-family residences, office strip
EAST: MF-18, TF-3	Duplexes, townhouses

PUBLIC SERVICES: Newell Street, Frazier Lane and Wayside Lane are paved residential streets. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The “2013 Land Use Guide of the Comprehensive Plan” (Plan) identifies the SF-5 zoned site as “urban residential.” The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in large urban municipality. The Plan identifies SF-5 zoning as being compatible with the urban residential category. The SF-5 zoning district allows single-family residences and institutional uses such as a parks, schools and churches, but not duplexes, by right. The site’s requested TF-3 zoning is compatible with the Plan’s urban residential category and allows duplexes as well as single-family residential development and institutional uses such as a parks, schools and churches.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The SF-5 zoned site is located in a neighborhood of predominately low to high density residential development and zoning. The neighborhood is located south of (and behind) the commercial development and zoning along Central Avenue. A small SF-5 zoned public park abuts the west side of the site. The park separates the site from the adjacent west SF-5 zoned single-family residences (built in the early 1970s). A small GO General Office zoned office is located further west of the site along Ridge Road, marking the end of most of the area’s SF-5 zoning. South of the site are SF-5 zoned single-family residences (built in the early 1970s). Further south and east of the site are MF-18 Multi-family Residential and TF-3 zoned duplexes, garden apartment, townhouse and apartments, part of a mixed residential Community Unit Plan, CUP DP-59. The duplexes appear to be some of the most recent residential development in the area, being built in mid-2000. A GC General Commercial zoned self-storage warehouse is also located in this area south of the site. North of the site is the LC Limited Commercial zoned YMCA, retail, a cosmology school, a bank, restaurants, and other commercial uses. Most of this development is part of the commercial CUP DP-39.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned SF-5 and is vacant.

- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested TF-3 zoning allows duplexes as well as single-family residences by right. It also permits institutional uses such as parks, schools and churches by right. The request would not introduce TF-3 zoning or duplex development into the area, as the most recent development in the area may be some TF-3 zoned duplexes (built in mid-2000) located east of the site.
- (4) **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request would limit development by right to single-family residential, duplex, and institutional uses such as a parks, schools and churches. Denial of the request could impose a financial hardship on the owner.
- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The “2013 Land Use Guide of the Comprehensive Plan” (Plan) identifies the SF-5 zoned site as “urban residential.” The urban residential category encompasses areas that reflect the full diversity of residential development densities and types, including duplexes, typically found in large urban municipality. The Plan identifies SF-5 zoning as being compatible with the urban residential category. The SF-5 zoning district allows single-family residential uses and parks, but not duplexes, by right. The site’s requested TF-3 zoning and proposed duplex development is compatible with the Plan’s urban residential category.
- (6) **Impact of the proposed development on community facilities:** All services are in place, and any increased demand on community facilities can be handled by current infrastructure.

BILL LONGNECKER, Planning Staff presented the Staff Report.

FOSTER pointed out several typographical errors on the Staff Report regarding “cosmetology”.

MOTION: To approve subject to staff recommendation.

MCKAY moved, **J. JOHNSON** seconded the motion, and it carried (12-0).

NON-PUBLIC HEARING ITEMS

5. **Case No.: DER2015-00002** - Proposed Amendments to the "U" University Zoning District.

Background: Wichita State University has developed an Innovation Campus Master Plan (see attached) to redevelop Braeburn Golf Course with:

- An Experiential Engineering Building with engineering laboratories and a maker space
- Partnership Buildings, constructed with private funds by developers who will lease space to companies that want to work with WSU students and faculty
- A new home for the W. Frank Barton School of Business, with an adjacent Innovation Center
- A new residence hall
- Mixed-use buildings, built by private developers along 17th and 21st Streets, near Oliver, that would include retail stores and restaurants on the first level and apartments on upper levels
- A hotel, built by a private developer, on the southwest corner of 21st and Oliver

The current zoning of Wichita State's main campus and the former Braeburn Golf Course is "SF-5" Single Family with the "U" University Overlay District. The current language of the Unified Zoning Code indicates that the "U" University Overlay District should be applied only to non-university, residential properties adjacent to campus and that properties on campus should be zoned "U" University Base District.

Since neither the "U" University Overlay District nor "U" University Base District permits the proposed Innovation Campus uses and since other university campuses are zoned "U" University Base District, staff recommends the attached amendments to the "U" University Overlay District to create a section that applies to university-owned property on-campus and a different section that applies to non-university, residential property adjacent to campus. The "U" University Overlay District on campus would permit the proposed uses of the Innovation Campus. Since Wichita State has the only on-campus property zoned "U" University Overlay District, Wichita State would be the only campus permitted the Innovation Campus uses if the proposed amendments are approved. Non-university, residential properties in the "U" University Overlay District would continue with existing permitted uses.

Recommended Action: Based on the information available prior to the public hearing, staff recommends approval of the proposed amendments to the "U" University Overlay District. This recommendation is based on the following findings.

1. The zoning, uses, and character of the neighborhood: The Wichita State University campus is the predominant use in the neighborhood and establishes the character of the neighborhood. The proposed amendments support the expansion of the campus.
2. The suitability of the subject property for the uses to which it has been restricted: The "U" University Overlay District current restricts the Wichita State University campus to residential uses and uses auxiliary to the university. The proposed amendments permit the typical range of university campus uses as well as proposed innovation campus uses.
3. The extent to which removal of the restrictions will detrimentally affect nearby property: The Wichita State University campus is buffered from nearby property by arterial streets on all four sides. This buffer along with the setback and floor area ratio requirements of the proposed amendments will mitigate detrimental impacts of campus expansion on nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The 2030 Wichita Functional Land Use Guide identifies the Wichita State University as appropriate for Major Institutional uses. The proposed amendments are consistent with this functional classification.

Attachments: Innovation Campus Master Plan
Proposed Amendments to the "U" University Zoning District

SCOTT KNEBEL, Planning Staff presented the Staff Report.

MCKAY asked about the student housing north of 21st Street.

KNEBEL explained that was one of the reasons staff was suggesting splitting the zoning. He said currently those areas are zoned University Overlay, but added that these proposed amendments would not change that zoning. He added that the proposed amendments were presented to the Advance Plans Committee who recommended approval of the staff recommendation.

FOSTER asked staff to provide a graphic of the current Overlay District at the public hearing. He referred to the future land use map for the updated Comprehensive Plan that shows this area as zoned residential, mixed employment. He asked staff if they are going to recommend that it remain that way.

KNEBEL said yes, he believes that description is accurate including the proposed development for the area. He said there will also be a significant increase in the number of dwelling units within the area.

FOSTER asked about the impact on taxation with regard to leasing the property. He mentioned a previous zoning case at the northwest corner of 21st and Oliver which a Planning Commissioner indicated was excluded from commercial development for a number of reasons. He said the proposed uses will compete with other uses in the area for economic growth. He said he wanted to understand the theory behind the proposal and asked that staff provide that information at the public hearing.

KNEBEL clarified Commission Foster wanted to know the theory behind the Innovative Campus itself.

FOSTER said no, just the idea of introducing competing commercial enterprises in an area that has been in decline for quite some time.

KNEBEL said he does not believe the proposed commercial development is intended to compete, but to serve the growth of the campus. He said there will be approximately two million square feet of new development and there is not the restaurant or retail in this area to support that type of development.

FOSTER also asked about clarifying the terminology “adjacent residential” property.

KNEBEL said adjacent residential property is a single term used to describe properties adjacent to the campus. He explained that the reason for the UZC amendment is to split district into two overlay districts; one is an overlay district on campus and the other is an overlay district is for adjacent residential properties.

FOSTER said then this would impact the areas north of 21st Street.

KNEBEL said this does impact those areas in the sense that the amendment would change the nomenclature of the zoning. He said the types of things that are permitted are not significantly impacted but staff did clarify some language.

MOTION: To set a public hearing for March 5, 2015 to consider amendments to the Unified Zoning Code.

J. JOHNSON moved, **WARREN** seconded the motion, and it carried (12-0).

6. **Case No.: DER2015-00003** - The City of Garden Plain seeks Unilateral Annexation of various tracts located adjacent to the City of Garden Plain - Resolution No. 151.

Background: On January 7, 2015, the City of Garden Plain passed Resolution No. 151 authorizing a public hearing on March 11, 2015, for the purposes of considering the unilateral annexation of several properties eligible under KSA 12-520(a) and located immediately adjacent to the City of Garden Plain.

Prior to unilaterally annexing property, Kansas statutes require that a plan be prepared indicating the means by which city services will be extended to the area proposed for annexation. The City of Garden Plain has not submitted to the MAPD, a copy of the service plan describing the extension of services to the annexation area. All six tracts proposed for annexation are various segments of road right-of-way located adjacent to existing City limits.

Analysis: Kansas statutes governing unilateral annexations provide for official notification to certain local officials, including planning commissions having jurisdiction in the area. Additionally, Kansas statutes require that the planning commission review the proposal and make a finding of compatibility or incompatibility with any adopted land use or comprehensive plans related to the area and the annexing city.

After review by staff, it has been determined that three of the six tracts proposed for unilateral annexation fall within the City of Garden Plain 2030 Urban Growth Area as designated within the Wichita-Sedgwick County Comprehensive Plan *Preparing for Change*, adopted and updated by the Metropolitan Area Planning Commission and the Board of County Commission in May 2005. All six tracts fall within the revised City of Garden Plain 2035 Urban Growth Area as depicted in the Working Draft Community Investments Plan dated January 8, 2015. Staff has concluded that the proposed unilateral annexation by the City of Garden Plain is substantially consistent with the Wichita-Sedgwick County Comprehensive Plan.

Recommended Action: That the Metropolitan Area Planning Commission pass a motion finding the unilateral annexation proposed by Resolution No. 151 of the City of Garden Plain to be substantially consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

Attachments: Attachment No. 1 - Resolution No. 151 and map.
Attachment No. 2 - 2030 Urban Growth Areas Map, May 2005.

DAVE BARBER, Planning Staff presented the Staff Report.

FOSTER asked what was the purpose of the annexation.

BARBER said staff was never forwarded a copy of the annexation service plan so he did not know the intent; however, he speculated that it may consolidation of boundaries.

FOSTER asked about annexing over a highway. He asked will Garden Plain take over road maintenance.

BARBER referred the question to the County Counselor.

BOB PARNACOTT, ASSISTANT COUNTY COUNSELOR mentioned the term “connecting link” which area roads through small cities that are maintained by the County. He commented that County

Public Works determines which roads are the “connecting links”. He said if it is not a link, maintenance would fall to the City because it is within the City Limits.

FOSTER asked since the new Comprehensive Plan has not been adopted or approval, does staff feel comfortable recommending approval of this annexation request.

BARBER said yes because the annexation of these properties does not impact the future growth or development of any other community in this area of Sedgwick County.

MOTION: Finds that the unilateral annexation of the City of Garden Plain to be substantially consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

MCKAY moved, **NEUGENT** seconded the motion and it carried (12-0)

7. **Conformity of the Project Area 1 Plan for the Union Station Redevelopment District with the Wichita-Sedgwick County Comprehensive Plan.**

Background: A tax increment finance district is a tool available under Kansas Statutes to stimulate economic redevelopment. It allows a city to finance in blighted or deteriorating areas, all or a portion of public infrastructure and redevelopment costs using captured incremental real estate tax revenues or sales tax revenues generated by the redevelopment activity.

In October 2014, the City of Wichita established the Union Station Redevelopment District in order to encourage (using tax increment financing) the redevelopment of a 10 parcel area centered on the historic Union Station Depot in downtown Wichita. This TIF redevelopment district is bounded on the west by the elevated rail corridor, on the east by an irregular line roughly following S. Rock Island Avenue and S. Mead Street, on the north by E. Douglas Avenue and on the south by E. Waterman Street.

On November 20, 2014, the Metropolitan Area Planning Commission passed a resolution finding the proposed Union Station Project Plan for the Union Station Redevelopment District to be substantially consistent with the adopted Wichita-Sedgwick County Comprehensive Plan. The Union Station Project Plan area is identical to the Union Station TIF redevelopment district area. The Project Plan consists of a mixed-use development of approximately 275,000 square feet of retail, restaurants, office space and structured parking. The project will consist of retail, restaurants, and office space (includes 80,000 square feet of new office/retail space) and the construction of a public parking structure (471 spaces) at the south end of the campus.

Over the last month, the developer of the Union Station Project Plan has determined that it would be more appropriate and financially prudent to undertake the redevelopment proposed in the Union Station Project Plan in two distinct phases. At the developer’s request, the Union Station Project Plan will be left to expire by the City Council at the hearing scheduled for February 3, 2015. At that time, the developer will request the City Council to amend the Union Station Redevelopment District to create two project areas instead of one.

A new project plan called the Project Area 1 Plan, covering the north and northeast portions of the Union Station Redevelopment District, has been submitted to the MAPC for a determination of consistency with the Wichita-Sedgwick County Comprehensive Plan.

Project Details - The Project Area 1 Plan covers 79,035 square feet on the north end of the Union Station campus. The proposed private and public improvements will consist of the following:

- Improvements to the Grand Hotel (streetscape improvements along Douglas and Mead Streets as well as internal and external improvements to the building structure).
- Improvements to the Rock Island Passenger Depot Building (streetscape and landscaping improvements adjacent to the building structure as well as internal and external improvements to the building structure).
- Union Station Plaza improvements (streetscape, landscape and lighting improvements north and east of the Terminal building)
- Granting of a public access easement to provide pedestrian and vehicular access with the Project Area 1 Plan area.

The Developer will finance the project including various public infrastructure improvements. The City will provide pay-as-you-go financing to reimburse the Developer for TIF-eligible expenditures.

It is estimated that construction of public infrastructure improvements will begin in 2015 and be completed before the end of 2019 at a total estimated cost of \$1,223,354. The city access easement will cost \$432,580. Tax increment financing will be used to finance these improvements.

The original total assessed valuation of the Project Area as of January 2014 for taxes payable in 2014-2015 is \$148,493. The projected total assessed valuation as of January 1, 2020 is estimated to be \$1,445,858. Therefore, the captured assessed valuation for the Project Area as of January 1, 2020 is estimated at \$1,297,365. The resulting property tax increment in 2020 has been calculated to be \$124,372. It is the City's intention to use the property tax increment revenues generated by this TIF District to reimburse the Developer on a pay-as-you-go basis. No TIF bonds will be used to finance eligible expenses. The projected tax increment revenue from the District will be sufficient to reimburse the Developer for all eligible project costs.

Analysis: The Project Area 1 Plan for the Union Station Redevelopment District falls within the *Project Downtown Master Plan* which has been adopted as an element of the *Wichita-Sedgwick County Comprehensive Plan*. More specifically, the Project Plan area falls within the Downtown Master Plan's designated 'Old Town South District', one of 15 unique districts that constitute Downtown Wichita.

The Project Area 1 Plan will specifically accomplish certain elements of the following key vision theme identified for the 'Old Town South District':

- "Revive Union Station, adjacent sites, and Douglas Avenue with office, hotel and/or other uses"

It is the opinion of staff that the Project Area 1 Plan dated January 28, 2015 is substantially consistent with the Wichita-Sedgwick County Comprehensive Plan.

Legal Considerations: Pursuant to K.S.A. 12-1772, each redevelopment project plan undertaken as part of a tax increment finance district must be prepared in consultation with the planning commission. Accordingly, the MAPC has a responsibility to review the proposed Project Area 1 Plan and make a determination of its consistency with the Wichita-Sedgwick County Comprehensive Plan.

Recommended Action: That the Metropolitan Area Planning Commission pass a resolution finding the proposed Project Area 1 Plan for the Union Station Redevelopment District dated January 28, 2015 to be substantially consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

Attachment: Project Area 1 Plan for the Union Station Redevelopment District

DAVE BARBER, Planning Staff briefly reviewed background information on the item. He reminded the Commission of their previous approval of the plan back in November of 2014 and said this was an amended Project Plan. He said the Project Area 1 Plan falls within the Downtown Master Plan which was approved as an element of the Wichita-Sedgwick County Comprehensive Plan.

SCOTT KNEBEL, Planning Staff presented the Staff Report.

RICHARDSON asked staff to point out the public access easement and asked why it cost \$432,000.

KNEBEL referred to an aerial map of the area which consisted of a plaza area, two streets and a drive connecting the two streets. He said the \$432,000 is a square foot allocation of the \$1,000,000 acquisition price of the entire site. He said that amount is eligible for reimbursement through TIF.

RICHARDSON clarified that the City was paying the developer \$432,000 for public access to the private properties.

KNEBEL responded that is correct.

DAILEY asked if this adjusted the TIF that has already been approved.

KNEBEL said the overall boundaries of the TIF District are not being changed, just the private areas within the TIF District. He said the City Council took the action to create two project areas within the TIF District. He said in order to expend any TIF monies there has to be a Project Plan adopted. He said this Project Area 1 Plan is the first for the District.

MOTION: To pass a resolution finding the proposed Project Area 1 Plan for the Union Station Redevelopment District dated January 28, 2015 to be substantially consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

J. JOHNSON moved, **RAMSEY** seconded the motion and it carried (12-0).

The Metropolitan Area Planning Commission adjourned at 2:05 p.m.

State of Kansas)
Sedgwick County) ss

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2015.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)

DRAFT

<u>CASE NUMBER:</u>	SUB2015-00001 – QUIKTRIP 19TH ADDITION
<u>OWNER/APPLICANT:</u>	QuikTrip Corporation aka QuikTrip West, Incorporated; Attn: Truitt Priddy, 1120 North Industrial Boulevard, Euless, TX 76039
<u>SURVEYOR/AGENT:</u>	MKEC Engineering, Inc., Attn: Brian Lindebak, 411 North Webb Road, Wichita, KS 67206
<u>LOCATION:</u>	Southeast corner of 13 th Street North and West Street (District VI)
<u>SITE SIZE:</u>	1.69 acres
<u>NUMBER OF LOTS</u>	
Residential:	
Office:	
Commercial:	1
Industrial:	—
Total:	1
<u>MINIMUM LOT AREA:</u>	1.69 acres
<u>CURRENT ZONING:</u>	LC Limited Commercial
<u>PROPOSED ZONING:</u>	Same

SUB2015-00001 -- Plat of QUIKTRIP 19TH ADDITION
March 5, 2015 - Page 2

NOTE: This is a replat of the Continental Addition, the Pearle E. Woods Addition and the Par Addition.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that the site is currently being served by water and sewer. The applicant is advised a fee for termination of existing water service is needed at 1328 North West Street.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the drainage plan.
- D. Traffic Engineering has approved the access controls. The plat proposes two access openings along West Street and one opening along 13th Street North.
- E. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.
- F. Traffic Engineering has requested a 10-foot contingent right-of-way dedication along West Street. In lieu of a contingent right-of-way dedication, the applicant will provide a petition for a bike path along the 13th Street frontage.
- G. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- H. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- I. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- J. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- K. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- L. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.

SUB2015-00001 -- Plat of QUIKTRIP 19TH ADDITION
March 5, 2015 - Page 3

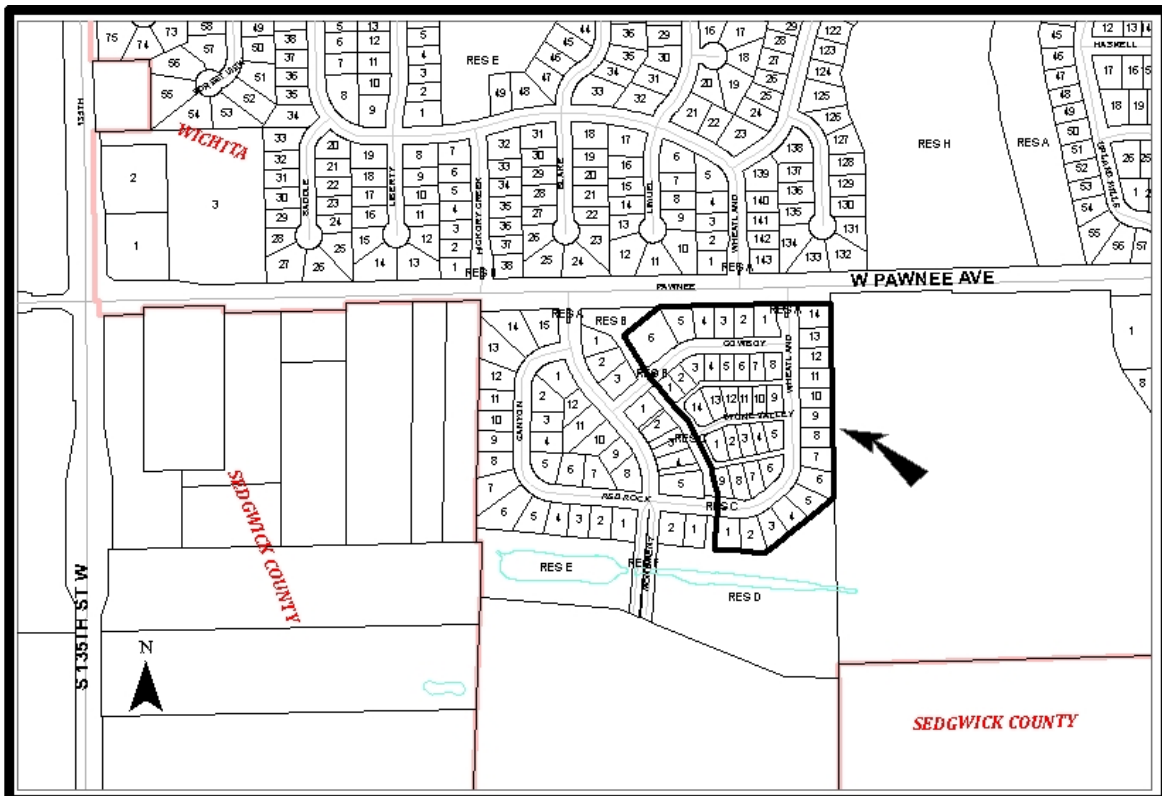
- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. Westar Energy requests additional easements. A 10-foot utility easement is needed along the east property line, approximately 190 feet from the existing power pole to the south line. The north 160 feet along the east property line may need to be obtained by separate instrument at a later time. There is an overhead line that runs east/west behind the existing QuikTrip building and fence at this time. They will need to re-feed that overhead service to accommodate existing customers. Westar requests that the 5-foot easement along the south line of the plat the applicant noted as wanting to vacate remains as it will be used along with the 5 feet on the lot south of QuikTrip plat (total 10-foot centerline) to refeed the above-mentioned service. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense. Marsha Jesse is the Construction Services Representative for the northwest area and can be contacted at (316) 261-6734. The applicant can contact her about this project.
- Q. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3-1
March 5, 2015

STAFF REPORT

- CASE NUMBER:** VAC2015-00002 - Request to vacate a plat
- OWNER/AGENT:** Development Partnership, LLC, c/o Don Coleman (owner/applicant) Ruggles & Bohm PA, c/o Will Clevenger (agent)
- LEGAL DESCRIPTION:** Generally described as vacating all of the Red Rock Village Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located mid-way between 135th and 119th Streets West on the south side of Pawnee (WCC #IV)
- REASON FOR REQUEST:** Applying for a delay in the payment of special assessments for the cost of constructing public improvements
- CURRENT ZONING:** The site and all abutting and adjacent properties are zoned SF-5 Single-Family Residential
- VICINITY MAP:**



The applicant is requesting the vacation of all of the undeveloped 11.87-acre Red Rock Village Addition plat. The applicant has stated that market conditions do not support the single-family residential platted layout and that the applicant is seeking an agricultural deferral to delay the cost of improvements on the plat, which makes the vacation necessary. Charter Ordinance No. 139 provides City Council authorization to provide for a delay in payment of special assessments for the cost of constructing public improvements, not to exceed 15 years with a possible extension of 10 years if 50% or less of the property has not been developed. The conditions for consideration of the delay of payment of special assessments for the cost of constructing public improvements are as follows;

- (1) The land is in excess of 2 ½ acres.
- (2) Has not been platted
- (3) Primarily used for agricultural purposes
- (4) Has a population density of less than one family per acre
- (5) Not served by public improvement

The applicant meets conditions 1, 4 and 5. Condition 3 appears to have been met as the property is listed on the tax rolls as being used for ranching and farming. The applicant's property is a plat, so it does not meet condition 2, thus the applicant's request to vacate the plat. The property is not developed. This is only the second vacation of platted land seeking agricultural deferment that Planning has filed; VAC2002-00039, generally located southwest of the 55th Street South and Broadway Avenue, 5727 South Jones.

The proposed vacation will eliminated the platted dedication of 60-foot of Pawnee Avenue right-of-way, platted access control onto Pawnee Avenue, platted residential street and alley right-of-ways, platted reserves, platted lots, platted front setbacks, platted wall easements, platted utility easements, platted drainage and utility easements, platted street, drainage and utility easements and the plat's text. There does not appear to be any utilities located in these platted easements or in the reserves. Red Rock Village Addition was recorded with the Register of Deeds September 29, 2009.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described plat.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time February 12, 2015, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described plat and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Provide a contingent dedication of 60 feet of Pawnee Avenue right-of-way by separate instrument with original signature(s), to be recorded with the Vacation Order, prior to the request going to City Council for final action.
- (2) Access control onto to Pawnee Avenue from the vacated plat will be per the Subdivision Standards, as approved by the Traffic Engineer. Future platting of the property will trigger review and approval by the Traffic Engineer.
- (3) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to City Council for final action.
- (4) Provide, a dedication of 20-foot of utility easement (along the south and east sides of Lots 1-14, Block 1, Red Rock Village Addition) by separate instrument with original signature(s) to be recorded with the Vacation Order, prior to the request going to City Council for final action.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide a contingent dedication of 60 feet of Pawnee Avenue right-of-way by separate instrument with original signature(s), to be recorded with the Vacation Order, prior to the request going to City Council for final action.
- (2) Access control onto to Pawnee Avenue from the vacated plat will be per the Subdivision Standards, as approved by the Traffic Engineer. Future platting of the property will trigger review and approval by the Traffic Engineer.
- (3) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to City Council for final action.
- (4) Provide, a dedication of 20-foot of utility easement (along the south and east sides of Lots 1-14, Block 1, Red Rock Village Addition) by separate instrument with original signature(s) to be recorded with the Vacation Order, prior to the request going to City Council for final action.

- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

<u>CASE NUMBER:</u>	VAC2015-00003 - City request to vacate a portions of platted utility easements
<u>OWNER/AGENT:</u>	Hijos, LLC, c/o Patty Koehler (owner) Baughman Co. PA, c/o Phil Meyer (agent)
<u>LEGAL DESCRIPTION:</u>	The north 273.00 feet of the 10.00 foot utility easement granted along the west line Lot 5 in Pawnee and West Industrial Park Second Addition, Wichita, Sedgwick County, Kansas, TOGETHER with the north 273.00 feet of the south 726.00 feet of the 5.00 foot utility easement granted along the east line of Lot 4, Pawnee and West Industrial Park, Wichita, Sedgwick County, Kansas
<u>LOCATION:</u>	Generally located northwest of West Street and K-42 Highway, on the south side of West Street Court (410 N. West Street - WCC #IV)
<u>REASON FOR REQUEST:</u>	Additional room to build
<u>CURRENT ZONING:</u>	The site and all abutting and adjacent properties are zoned LI Limited Industrial
<u>VICINITY MAP:</u>	



The applicants propose to vacate the north 273.00 feet of the 10.00 foot utility easement granted along the west line of Lot 5 in the Pawnee and West Industrial Park Second Addition, together with the north 273.00 feet of the south 726.00 feet of the 5.00 foot utility easement granted along the east line of Lot 4, Pawnee and West Industrial Park Addition. There are no utilities located in the subject easements. The Pawnee and West Industrial Park Addition was recorded with the Register of Deeds August November 18, 1994. The Pawnee and West Industrial Park Second Addition was recorded with the Register of Deeds August March 29, 1995.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portions of the platted utility easements.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time February 12, 2015, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portions of the platted utility easements and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Any abandonment or relocation/reconstruction of any/all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved plans for the abandonment /relocation of utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide to Planning any needed easements, with original signatures, for relocated utilities, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Any abandonment or relocation/reconstruction of any/all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved plans for the abandonment /relocation of utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide to Planning any needed easements, with original signatures, for relocated utilities, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

STAFF REPORT

MAPC: March 5, 2015

CASE NUMBER: CON2015-00001

APPLICANT/AGENT: Vincent and Quinnda McMullen (Owner/Applicant)

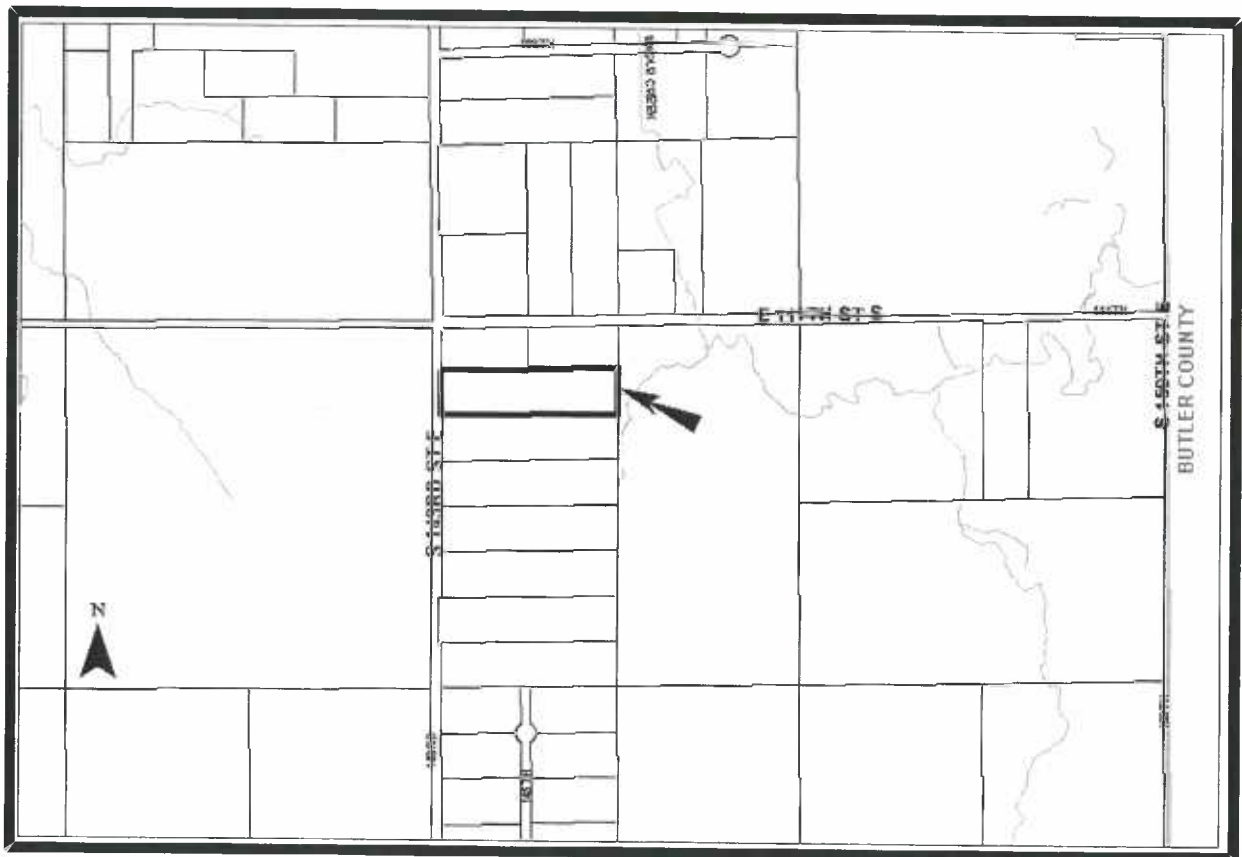
REQUEST: Conditional Use for an Accessory Apartment

CURRENT ZONING: RR Rural Residential ("RR")

SITE SIZE: 9.8 acres

LOCATION: South of East 111th Street South and East of South 143rd Street East (11240 S. 143rd St. E.)

PROPOSED USE: Accessory Apartment



BACKGROUND: The applicant is seeking Conditional Use approval for a temporary “accessory apartment” on approximately 9.8 acres zoned RR Rural Residential (“RR”) that are located South of East 111th Street South and East of South 143rd Street East (11240 S. 143rd St. E.). The subject tract is an unplatted, rectangular-shaped tract that is currently developed with a double-wide modular type single-family residence and a shed. The property utilizes a lagoon for its on-site sanitary sewer service. The residence is served by an on-site water well for its water service. The applicants are seeking approval to temporarily place a single-wide manufactured home east of the existing residence to allow a family member to reside on-site due to a medical hardship.

Properties located in all directions from the application area are zoned RR. The RR zoned tracts located to the north and east are developed with single-family residences located on tracts ranging in size from 4.65 acres to 10.5 acres. The RR zoned tracts located south, southwest and west of the application area are approximately eighty-acre tracts used for agriculture.

The Wichita-Sedgwick County Unified Zoning Code (“UZC”) defines an “accessory apartment” (Art. II.Sec. II-B.1.b) as a dwelling unit that may be wholly within, or may be detached from a principal single-family dwelling unit.

Accessory apartments are subject to supplementary use regulations found at UZC Art. III.Sec.III-D.6.a (1) a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling unit that may be within the main building, within an accessory building or constructed as an accessory apartment; (2) the appearance of an accessory apartment shall be compatible with the main dwelling unit and with the character of the neighborhood; (3) the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and the ownership shall not be divided or sold as a condominium and (4) the water and sewer service provided to the accessory apartment shall not be provided as separate service from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

Unified Zoning Code, Article III, Sections III-D.6.1(3)(a)-(e) of the UZC permits a temporary, accessory manufactured home dwelling unit in the County with Conditional Use approval and subject to the following additional requirements: (a) The location of the manufactured home shall conform to all setback requirements of the district in which it is located. (b) The lot area for the manufactured home need not comply with the area requirements of the zoning district, provided that the unit is connected to a public water supply and a municipal-type sewer system. If the property is not served by a public water supply and municipal-type sewer system, the minimum lot area shall be determined by County Health Department (County Code Enforcement). (c) The unit shall comply with all of the standards of Secs. III-D.6.1(1) and II-D.6.1(2). (d) The applicant shall show due cause that hardship exists and that the hardship cannot reasonably be alleviated without the granting of the Conditional Use. (e) The Planning Commission shall determine a reasonable time limit for each individual case. The manufactured home shall be removed from the property within 90 days after any change in the circumstances used as a basis for the Conditional Use.

Applicable sections of UZC Sec. III-D.6.1 state that in the unincorporated County, only

residential-designed manufactured homes may be placed on individual lots or tracts unless the site meets one of the exemption described in Secs. III-D.6.1(2-4). Section III-D.6.1(2)(b) states a single-wide manufactured home is permitted if the tract of land is a buildable lot under this code and the applicable Subdivision Regulations and has received a Conditional Use in accordance with Section V-D for the temporary placement of an accessory manufactured home under hardship conditions as provided in Sec. III-D.6.1(3).

Unified Zoning Code Sections III-D.6.1(1)(a)1)-3) state that all manufactured homes installed in the unincorporated portion of Sedgwick County shall: be place in accordance with the manufactured home siting standards of Sedgwick County, and amendments thereto; provided said standards have been adopted. In the event such standards are not adopted or until such standards, the following shall apply: 1) the manufactured home shall be placed on a permanent enclosed perimeter foundation, or be skirted around the perimeter of the home, within 45 days of the placement of the home, by solid concrete or masonry walls or a material designed to be used as mobile home skirting that does not have a flame spread rating in excess of 25. (The rest of this section provides technical standards regarding skirting and its installation.) 2) The manufactured home shall be provided with handrails on all outside stairs that have a rise of more than 30 inches from grade to finished floor elevation; and 3) the manufactured home shall have any stairs, porches and handrails constructed so as to be structurally sound.

CASE HISTORY: None. The subject site is currently unplatted.

ADJACENT ZONING AND LAND USE:

NORTH: RR; large-lot single-family residences
SOUTH: RR; large-lot single-family residences
EAST: RR; agriculture
WEST: RR; agriculture

PUBLIC SERVICES: The property is connected to the Sedgwick County Rural Water District No. 3 and utilizes a lagoon. 111th Street South and 143rd Street East are sand and gravel roads. Along the applicant's frontage, 143rd Street has only thirty feet of half-street right-of-way.

CONFORMANCE TO PLANS/POLICIES: The Wichita and Small Cities 2030 Urban Growth Areas map designates the site as a rural area. Land designated as rural encompass land located outside the 2030 urban growth areas for Wichita and the small cities. The rural category is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County and predominately larger lot residential exurban subdivisions with provisions for individual, or community water or sewer services. The application area is located beyond any zoning area of influence boundary.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The Conditional Use permits one accessory apartment on the application area. The accessory apartment may be either a single-wide manufactured home or a residential

designed manufactured home. The site shall be developed and maintained in general conformance with the approved site plan, and in conformance with all applicable regulations, including but not limited to: zoning, including Article III, Section III-D.6 .a.(1)-(4) and Article III, Section III-D.6.1; building, fire and utility regulations or codes. The revised site plan shall include a description of the materials to be used on the exterior façade of the accessory apartment.

2. If needed for building permit purposes a more detailed site plan that includes dimensions and other site specific details may be required prior to the issuance of any required permits.
3. The Conditional Use shall be effective and in force so long as a medical hardship exists for a family member of someone residing in the principal structure. Per UZC Sec. III-D.6.1(3)(d), the applicant shall provide to County Code Enforcement proof of the existence of a medical hardship with a letter from a health care provider prior to occupancy of the accessory apartment. The accessory apartment shall be removed within 90 days after any change in the circumstances used as the basis for the medical hardship and/or Conditional Use. It is the responsibility of the property owner to advise County Code Enforcement of any change in the circumstances used as the basis for the medical hardship.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Properties located in all directions from the application area are zoned RR. The RR zoned tracts located to the north and south are developed with single-family residences located on tracts ranging in size from 4.4 acres to 9.7 acres. The RR zoned tracts located east and west of the application area are approximately 80 acres (east) and 159 acres (west) tracts used for agriculture. Properties located in the larger area surrounding the application area are predominantly used for agriculture and for large-lot rural homes.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned RR, which permits by-right one single-family residence per two acres (or 4.5 acres if a lagoon is used). A single-family residence currently exists on the property. As currently zoned, the property could continue to be used as currently developed; however, the site contains ten acres that could potentially be subdivided to create another residential building site. The Unified Zoning Code allows a second accessory residential unit with Conditional Use approval.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby properties. A second dwelling unit could potentially be installed without Conditional Use approval but would require platting. The conditions of approval and the size of the site should minimize any anticipated detrimental impacts.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita and Small Cities 2030 Urban Growth Areas map designates the site as a rural area. Land designated as rural encompass land located outside the 2030 urban growth areas for Wichita and the small cities. The rural category is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County and predominately larger lot residential exurban subdivisions with provisions for individual, or community water or sewer services. The application area is located beyond any zoning area of influence boundary.
5. Impact of the proposed development on community facilities: Existing community facilities are more than able to meet projected demand.



Sedgwick County
CIS

Geographic Information Services
Division of Information & Operations
www.sedgwickcounty.org/gis
525 N. Main, Suite 212, Wichita, KS 67203
Tel: 316.660.9290 Fax: 316.262.1174
Mon Dec 29 11:16:00 GMT-0600 2014

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5. Case No.: CON2015-00005 - **DEFERRED TO 4-16-15 MAPC HEARING**
Request: City Conditional Use request for a wireless communication facility with a 100-foot monopole on LC Limited Commercial zoned property.
General Location: West of Seneca Street on the north side of 47th Street South.
Presenting Planner: Bill Longnecker

**WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT**

Agenda Item 6

DATE: March 5, 2015

TO: Metropolitan Area Planning Commission

FROM: Scott Knebel, AICP, Advanced Plans Division

SUBJECT: DER2015-02: Proposed Amendments to the “U” University Zoning District

Background: Wichita State University has developed an Innovation Campus Master Plan (see attached) to redevelop Braeburn Golf Course with:

- An Experiential Engineering Building with engineering laboratories and a maker space
- Partnership Buildings, constructed with private funds by developers who will lease space to companies that want to work with WSU students and faculty
- A new home for the W. Frank Barton School of Business, with an adjacent Innovation Center
- A new residence hall
- Mixed-use buildings, built by private developers along 17th and 21st Streets, near Oliver, that would include retail stores and restaurants on the first level and apartments on upper levels
- A hotel, built by a private developer, on the southwest corner of 21st and Oliver

The current zoning of Wichita State’s main campus and the former Braeburn Golf Course is “SF-5” Single Family with the “U” University Overlay District. The current language of the Unified Zoning Code indicates that the “U” University Overlay District should be applied only to non-university, residential properties adjacent to campus and that properties on campus should be zoned “U” University Base District.

Since neither the “U” University Overlay District nor “U” University Base District permits the proposed Innovation Campus uses and since other university campuses are zoned “U” University Base District, staff recommends the attached amendments to the “U” University Overlay District to create a section that applies to university-owned property on-campus and a different section that applies to non-university, residential property adjacent to campus. The “U” University Overlay District on campus would permit the proposed uses of the Innovation Campus. Since Wichita State has the only on-campus property zoned “U” University Overlay District, Wichita State would be the only campus permitted the Innovation Campus uses if the proposed amendments are approved. Non-university, residential properties in the “U” University Overlay District would continue with existing permitted uses.

Recommended Action: Based on the information available prior to the public hearing, staff recommends approval of the proposed amendments to the “U” University Overlay District. This recommendation is based on the following findings.

1. The zoning, uses, and character of the neighborhood: The Wichita State University campus is the predominant use in the neighborhood and establishes the character of the neighborhood. The proposed amendments support the expansion of the campus.

2. The suitability of the subject property for the uses to which it has been restricted: The “U” University Overlay District current restricts the Wichita State University campus to residential uses and uses auxiliary to the university. The proposed amendments permit the typical range of university campus uses as well as proposed innovation campus uses.
3. The extent to which removal of the restrictions will detrimentally affect nearby property: The Wichita State University campus is buffered from nearby property by arterial streets on all four sides. This buffer along with the setback and floor area ratio requirements of the proposed amendments will mitigate detrimental impacts of campus expansion on nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The 2030 Wichita Functional Land Use Guide identifies the Wichita State University as appropriate for Major Institutional uses. The proposed amendments are consistent with this functional classification.

Attachments: Innovation Campus Master Plan (provided previously)
Proposed Amendments to the “U” University Zoning District (provided previously)